

THE
Court of Honour : *Car. 2. 1685*

OR, THE
LAWS, RULES, and ORDINANCES,
Establish'd for the Suppression of
DUELS in France. *K*

Extracted out of the
Royal Edicts, Regulation of the Marshals,
and Records of Parliament.

Translated from the *French* Original.

*Publsh'd on the Occasion of the BILL now depending
in Parliament relating to DUELS.*

With some Observations thereon,
By Sir RICHARD STEELE.

To which is added,
A LETTER to a Member of Parliament,
to prevent shedding of much Blood by *Duels*,
by allowing every Man to Fight.

L O N D O N :

Printed for J. Roberts in Warwick-Lane, T. Jaucy
at the Angel without Temple-Bar, W. Graves in St. James's
Street, and J. Stagg in Westminster-Hall. 1720;

THE

Count of Honor

OR THE

LAW, RULES, and ORDINANCES

Established for the Supplication of

DUES in Fines

Extracted out of the

Royal Highs Regulation of the Marshals
and Records of Parliament

Translated from the Original



Printed by the Order of the Council of the King
in Parliament relating to the same

With some Observations thereon

By SIR RICHARD STEELE

To which is added,

A Letter to a Member of Parliament
to prevent shedding of much Blood by Duels
by allowing every Man to Fight

LONDON:

Printed for W. Roberts in Warwick-Lane. T. Gower
at the Angel without Temple-Bar, W. Gower in St. James's
Street, and J. Stagg in Highgate-Lane. 1710.



THE PREFACE.



THE Design of the following Work, is to acquaint the English Reader what Care the Government of France, justly offended at so intolerable a Custom as that of Duelling, took to repress it ; what Laws were made, and strictly put in Execution against it ; and, by Consequence, to convince him how necessary the same Course would be in this Nation, where the same offensive Weed hath taken such deep Rooting : But because the Compiler thereof hath thought it sufficient to translate only some
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Acts and Ordinances of the late French King's Reign, as virtually and eminently comprehending all the former Laws made against Duelling; for the Satisfaction of the Reader, it hath been judg'd necessary to give a short Abstract, and the Dates of the chief Edicts and Decrees, made for the same Effect, in the Reigns of his Father and Grandfather; that in the Series of the Remedies, he may observe the Progress and Continuance of the Evil, which is now at length much abated, if not wholly cured.

In order, therefore, to the Suppression of Duels, the Parliament of Paris, June 26, 1599, declares all those who revenge themselves of Injuries and Affronts by any other Way than the ordinary Course of Law, guilty of High Treason; ordering the Estates, as well Personal as Real, both of the Living and Dead, who have so offended, to be confiscated to the King; and all who have any Way assisted, or been present at Duels, or Meetings held for such unlawful Prosecution of Quarrels, Rebels to his Majesty, Transgressors of the Law, and Disturbers of the publick Peace. In Consequence whereof, Henry IV. by his Edict at Blois of April 1602, mentioning, that the Disorders of that abominable Custom of fighting Duels, for Reparation of Honour, were so great, and so much Christian Blood spilt thereby, that he could not judge himself worthy of swaying the Scepter, if he did not put a Stop to that Abuse, declares, in Conformity to the former Decree of Parliament, all who have fought Duels, whether they be dead or alive, guilty of Treason; and orders their Persons and Estates to be accordingly proceeded against with Power and Injunction to the Constable and Marshals of France, the Gover-

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nours and Lieutenants-General of Provinces, &c. to give such Reparation to the Parties injur'd in Honour, as may both prevent the unlawful Effusion of Blood, and save the Reputation of Gentlemen: To which, as all his Majesty's Subjects were to render punctual Obedience, so the Punishment against the Disobedient and Transgressors, were no ways to be remitted nor moderated.

Notwithstanding the Severity of all preceeding Edicts, so possess'd were the French with the false Opinion, that their injur'd Honour could not be repair'd but by the unlawful Way of Duelling; that the same King Henry IV, in his Edict at Fontainebleau of June 1609, regretting, that the Rigour of the Law did rather exasperate than repress that insolent and brutish Custom, confirms and enlarges his former Edict; and besides the Penalties above impos'd, ordains Punishments for all that are any Way concern'd in Duelling; not only the Principals, Seconds, and Carriers of Challenges or offensive and provoking Works, but for such as come to the Place assign'd as Spectators, without Intention of Fighting; nay, and for those also, who, coming accidentally, do not endeavour to prevent the Effusion of Blood: And that by Death, Confiscation of Goods, Loss or Suspension of Places, Fines, Imprisonment, Degradation from Honour, and Infamy, according to the Share and Concern they have had in the Quarrels; dedicating to the Poor, and pious and religious Uses, all the confiscated Estates and Fines that fell to the Crown by such Misdemeanours; and declaring and protesting before God, That he will never pardon any who shall be found guilty of the Violation of that Edict; and prohibiting the Queen, Princes of the Blood, and all Courtiers
whatsoever,

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whatsoever, to interceed for them, upon Pain of his Displeasure. However, that he might in some Measure comply with a pernicious Humour, that seem'd incorporated into the Temper of the French Nobility and Gentry, he gives Leave to those, who should imagine themselves injur'd and affronted beyond the Satisfaction that might be granted them by the ordinary Course of Law, to make their Application to himself, or to the Constable, Marshals of France, Governours of Provinces, Lieutenants-General, &c. and according to the Nature of the Affront, he promises to allow them the Combat, if no other Satisfaction can be sufficient.

The strict Execution of these Laws, having, during the rest of the Reign of Henry IV, put some Stop to the insolent and bold Way of Fighting upon Challenges: In the Beginning of the Reign of Lewis XIII. to elude the Force of the former Edicts, a new Way of Fighting was introduc'd, as upon accidental Rencounters, pretending no Challenge to have preceded. This gave Occasion to the said King, by his Declaration at Paris of the 1st of July 1611, not only to revive and confirm the former Edicts of his Father, but also to extend the Force of the same to Rencounters, if it could be made out that any Quarrel, by Word or Deed, pass'd before betwixt Parties so engaging; which he afterwards confirm'd and enlarg'd by his Declaration at Paris of the 18th of January 1613, wherein, to cut off all Hopes of Impunity from those who should fall into such Offences, having enjoind a strict and rigorous Execution of all former Edicts, he declares, That whosoever shall dare to make Application to him, or to his Mother, the Queen-Regent,

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Regent, to mediate and interceed for Pardons of such Offenders, shall incur his Indignation; and that whosoever shall conceal and entertain such Criminals, and not inform against them, shall be reputed and punish'd as Accessary to the Crimes; declaring also, That if Parties offended in Honour, do not within a Month after the Injury or Affront receiv'd, make their Complaints to the Constable, Marshals, and the other Judges of Honour, appointed by the aforementioned Edicts, they shall not be heard for any Reparation by them, but must take their Course at Common Law. And the Parliament of Paris, at the Motion of the King's Attorney-General, upon Occasion of frequent Duellings in the Streets of that City, on the 27th of January 1614, ratify'd the same Declaration, commanding the punctual Execution of the same, by the Officers of Civil Justice, and exhorting all Bishops and Prelates, according to the Edicts, to deny Christian Burial to those that should be kill'd in such Rencounters.

No sooner was the same Lewis XIII of Age, but upon Complaint made to him, that amongst other Abuses, that of Duelling and Fighting upon Rencounters was still obstinately practis'd. notwithstanding the Severity of the Laws, he issued out a Declaration of the 1st of October 1614, which, the Day following, (he himself sitting on his Throne in Parliament,) was there ratify'd, whereby he confirm'd all former Laws made against that Crime, enjoyn'd a strict Prosecution of the Guilty, and solemnly promis'd not to pardon such Offenders, upon any Intercession, Account, or Pretext whatsoever. All this, nevertheless, was not sufficient to cool the French Blood; for Duelling still continu'd; so

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that July 14, 1617, the King publish'd another *Edict*, verifi'd in Parliament, wherein, after a Christian Preamble concerning the Horridness of that detestable Crime, he not only revives all former *Laws* made against it, and solemnly swears never to pardon any of what Quality soever that shall be guilty of the same; but also enjoyns all Judges and Courts of Justice, not to have Respect to any such Pardons or Remissions presented to them, as being contrary to his Majesty's Will and Pleasure; and appoints Part of the *Estates* confiscated for these Crimes to be given to Informers, to encourage them to prosecute the same, the rest, as before, being allotted for pious Uses. And this *Edict* was, in March 1621, put rigorously in Execution by the Parliament of Paris, who condemn'd five Persons, guilty of that Crime, of High Treason, adjudg'd their *Estates* forfeited, and themselves to be hang'd in Person, if apprehended, and if not, in Effigie, in the publick Place of Execution in Paris.

By another *Edict*, of August 1623, publish'd in Parliament the 29th of the same Month, besides the Confirmation of all former *Edicts* concerning Duels, it is ordered, That whatever Person, whether Gentleman, Servant, or Lacquey, shall carry a Challenge by Word or Writing, shall without Mercy be put to Death. In pursuance of which, and all the former *Edicts*, April 24, 1624, the Parliament of Paris condemn'd Bouteville, Count of Pontgibault, the Baron of Chantail and des Salles, for having fought a Duel on Easter-Day, of High Treason, and sentenc'd them to be degraded from all Privileges of Honour, and declar'd Ignoble and Infamous, themselves hang'd on a Gibbet in the Place of Execution in Paris, and their
dead

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dead Bodies carry'd to Montfaulcon, if apprehended; and if not, hang'd in Effigie upon a Gallows in the same Place; all their Houses raz'd and demolish'd, never again to be Rebuilt, and the Trees growing about them lopt off by the Middle, to remain as a perpetual Monument of their Crimes; a Pillar of Free Stone, with an Inscription upon a Copper Plate, to be erected in the Places, containing the Causes of that Demolition; and their Estates, personal and real, confiscated. And that this Sentence might the more effectually be put in Execution, his Majesty, by his Edict of the 24th of June 1624, prohibits all Princes, Lords, and Gentlemen, of what Quality soever, to favour, assist, or entertain the Violators of his Edicts in the matter of Duels, and all Vicars and Curates to give them Christian Burial: According to which it was decreed in Parliament, upon Occasion of another Duel fought by the same Bouteville and others, on the 28th of January 1625, that all who did harbour, receive, or assist them with Lodging, Victuals, or any Thing else, should be reckon'd guilty of High Treason.

Duelling, nevertheless, was still so universally practis'd, and so many Persons of all Qualities, were thereby obnoxious to the Laws, that upon the Marriage of the Queen of Great Britain, (Mother to King James II, and Sister to the same Lewis XIII. of France) when that Prince was to grant his Subjects some publick Act of Grace, as a Testimony of his own, and an Encouragement to their Joy, upon so solemn an Occasion; nothing could be thought of more acceptable to the Publick, nor more conducive to the End propos'd, than a general Pardon for past Duels; which by his Edict

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at Paris of February 1626, he graciously granted: But at the same Time, to prevent that scandalous Abuse for the future, which he had till then endeavour'd by all Means, but unsuccessfully, to remedy, he adds to all former Edicts new Punishments, not to be dispens'd with at the Solicitation of any Person, nor upon any Account whatsoever, as being less rigorous than those formerly impos'd: And these consisted chiefly for those who should give or receive a Challenge, without Slaughter committed, (the Severity of all former Edicts being reinforc'd against such as Kill'd) in Banishment for a certain Term of Years, Loss of all Places and Pensions that they held of his Majesty, which were to be conferr'd upon others; a third Part of their Estates, and Death, if they offer'd to challenge those who should be provided to their Offices and Pensions: And that a Pretext of accidental Rencounters might not serve for an Excuse to those who premeditatedly Fought, nor by withdrawing out of the Country, or to the Frontiers, upon such Designs, any might elude the Force of the Law, it was order'd by that Edict, that in Rencounters the Aggressor should be reputed and punish'd as a Challenger, if he could be known; and if it were doubtful who was the Aggressor, both Parties should suffer as such: That those who fought out of the Country, or upon the Borders, and made their Escape thither, should be proceeded against, as if the Fact were committed in France; and that it should be Death and perpetual Infamy to employ Seconds, as being a Sign of Cowardice; and honourable to refuse a Challenge, or being a Second, as being a Mark of true Valour; his Majesty promising to honour with his Esteem, and employ in his Service, both Civil and Military, all who by so doing paid Obedience to his Edicts; and

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and ordering, as in former Edicts, the Marshals of France, and other Judges of Honour, to command such Reparations of Honour to be made to the Obedient, as might entirely secure their Reputation: For the more punctual Performance whereof his Majesty interposes his Authority, swearing before God never to grant any Remissions for the aforementioned Crimes, and enjoying his Judges to give no Respect to any such Pardons, if presented to them, as being surreptitiously obtain'd from him. And his Majesty, to shew his firm Resolution to see his Edict punctually put in Execution, some Time after, upon a bare Supposition, that the *Sieur de Liancourt* had challeng'd the *Sieur Cressias*, upon some Dispute that had happen'd betwixt the Duke of Halluin and the said *Cressias*, banish'd them all his Court, and depriv'd *Liancourt* of his Place of First Gentleman of his Bed-Chamber; but it appearing afterward to be a false Surmise, they were recall'd, and *Liancourt* restor'd to his Place.

In pursuance of the abovemention'd Edicts, *Bouteville* and *des Chapelles* being apprehended, and in Prison for another Duel, were, with their Accomplices, by a Decree of the Parliament of Paris, June 21, 1627, condemn'd of High Treason, and sentenc'd to be beheaded, and their Estates confiscated to the King. The Severity of the Edicts, nevertheless, and the exemplary Execution of them, could not so restrain the Impetuosity of the French Fire, but that the pernicious Custom of Duelling still continued: Insomuch that the same King, by his Declaration of 29 May, 1634, commanded all the former Edicts against Duels to be publish'd anew, solemnly swearing to grant no Pardon for such Crimes, declaring those who should intercede for such Offenders, Enemies of his Reputation and unworthy of his Favour; prohibiting

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ring all of what Quality soever to harbour or assist such Delinquents, upon pain of being banish'd the Court for a Year, and their Houses razed; and causing his Secretaries and Keeper of the Great Seal to be sworn not to sign or put the Seal to any Pardon for Duelling, though thereto expressly requir'd on his Part. And the Parliament of Paris, in 1635, declar'd the last Will and Testament of a Person of great Quality, who had fought a Duel, to be Null, as having forfeited his Right of Testating by that Crime. The same Parliament also in the Years 1638 and 1639, upon Complaints made to that Court of the continued Abuse of Duelling, by the King's Attorney General, and in Obedience to a Letter from the King, in the Year 1640, who, in Consideration of the Birth of the Dauphin, had given a general Pardon for all preceding Duels, made several Decrees for publishing of New and putting in strict Execution all Laws and Edicts made against that barbarous and brutish Crime.

And in this State was the Kingdom of France in relation to Duelling, when Lewis XIV, being but a Child, came to the Crown, and made a long Edict, with a most christian and elaborate Preamble to it, against that Crime, in the Year 1643, when he enter'd into the Government; which the Reader is to take Notice of, as his first Edict, and not that of May, 1644, which, by a Mistake in this Work, is reckon'd the first. This fortunate Prince was more successful in this, as well as many other great Attempts, than any of his Predecessors; and by a strict Execution of the Laws, and exerting his sovereign Authority, taught his Subjects another Way of aspiring to Honour, than by killing one another for Puntilios and Trifles; having by the Laws he establish'd,

and

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and which are herein recited, totally reduc'd the Kingdom of France to a submissive Obedience.

I shall conclude this Preface with what Sir Richard Steele has judiciously observ'd, (in his Theatre of March 29, Numb. XXVI.) As the subduing of *Anger* (says he) is the greatest Act and highest Capacity of the Soul, it is an inexpressible Pleasure to me, that the Legislature of my Country has it among their present Deliberations, how to abate the Haughtiness of Man towards Man, by a Law against *DUELLING*. A Work of this Kind could be render'd effectual by no less Authority, nor could it be begun, with Hopes of Success, but by a Person of great Weight and Importance in the Assembly. Little Misinterpretations, low Prejudices, and idle Railleries, would have stood in the Way of a Man of less Moment, which vanish before an acknowledg'd Character. In this hopeful Way is this great Work; and it is no small Consolation, that as we have from Time to Time imitated the Follies of *France* almost to our Ruin, there are now Hopes of following that Nation in the one Thing, wherein they excel us, that is Praise-worthy.

If we consider the prodigious Difference between the Figure the same Man bears in our Imagination, when we are pleas'd with him, from that wherein we behold him when we are angry, one may easily comprehend the Injustice of this Passion, and the Merit in restraining it. This Observation, which every Body living has had, one Time or other, an Opportunity of making, cannot but endear the Vigilance and Care of our Law-givers, in providing proper Means

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Means to soften the Dispositions of the Heart, and render it less susceptible of Offence, and more inclin'd to Approbation, than is at present observable in the Conversation of Gentlemen.

I can hardly conceive a more laudable Act, than declaring an Abhorrence of so fashionable a Crime, which Weakness, Cowardice, and Impatience of the Reproach of Fools, have brought upon reasonable Men. This sort of Behaviour cannot proceed but from a true and undaunted Courage; and I cannot but have in great Veneration a generous Youth, who in publick declar'd his Assent and Concurrence to this Law, by saying, that in Spite of the prevailing Custom, *he triumph'd more in being a Second to prevent, than he should have been in being one to promote Murder.* A Speech thus ingenuous, could come only from an Heart that scorn'd Reserves, in Compliance to Falshood to do Injury to Truth. And it is to be hoped that the *Laws of Honour*, as establish'd in *France*, will in some measure be a *Model* to our Legislators, in order to suppress this most barbarous Custom.



On the 11th of May, 1644, he set forth
another Declaration, prohibiting Duels,
Challenges, and Rencounters, this being a



and he being well possessed of what Import-
tance it was to the State to have these Duels
and Rencounters abolished, he set forth a more
simple and peremptory Edict against them, than
any had been in the Reins of his Father or
Grandfather, which Edict was also confirm'd in Par-
liament, the King being present, in the same

THE *Laws of Honour.*



ANY Edicts, Declarations, and De-
crees were set forth by the Kings and
Parliaments in *France*, during the
Reigns of *Henry the Fourth*, and
Lewis the Thirteenth, the late
King's Father and Grandfather, for suppressing
Duels and *Rencounters*; and other Means were
us'd by them for the same Effect, but without
Success. *Lewis the Fourteenth*, the late King,
at the Entrance of his Reign, set forth a De-
claration on the 11th of *May 1644*, which was
confirm'd in Parliament the 9th of *June* follow-
ing, whereby reiterated Prohibitions were made
to all Persons against Challenging each other,
fighting Duels, Rencounters, or otherwise, and
against contravening to the Edicts and Declara-
tions of his Majesty, under the Pains provided
by the Ordinances.

On the 13th of *March*, 1646, he set forth another Declaration, prohibiting *Quarrels*, *Duels*, *Challenges*, and *Rencounters*, this being a Confirmation and Augmentation of the Penalties contain'd in the *Edicts*, *Declarations*, and *Decrees*, formerly made on the said Subject; which Declaration was also publish'd in Parliament the 20th of *March* in the same Year.

In the Year 1651, in the Month of *September*, upon the King's being declar'd *Major*, and he being well possess'd of what Importance it was to the State to have these *Duels* and *Rencounters* abolish'd, he set forth a more ample and peremptory *Edict* against them, than any had been in the Reigns of his Father or Grandfather, it consisting of twenty four Articles; which *Edict* was also confirm'd in Parliament, the King being present, in the same Month and Year; and he took a firm Resolution to have the Penalties therein contain'd effectually put in Execution against all such as should contravene. *I shall not give it you here, by reason of a more comprehensive Edict which you will find in the Sequel.*

In the Month of *May* 1653, the King set forth another Declaration against *Duels*, it being an Enlargement and Explanation of some Points in the foregoing *Edict*; in the latter Part of which it is said thus: [And forasmuch as the 5th Article, concerning the Satisfactions which ought to be appointed by our Cousins the *Marshals* of *France*, for Persons offended in Honour, seems to be couch'd in two general Terms; and that the express Protestation made a long Time before our last *Edict*, and the Engagement in Writing of many Gentlemen
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of Quality of our Kingdom, of not receiving for the Time to come any Challenge, requires that there be a full and advantageous Provision for the Reparation of Offences which may be made to their Reputation, and to the Reputation of those who shall abstain for the future from taking Satisfaction of themselves, and who shall have Recourse to such as we have establish'd for rendering them Justice, it is our Will and Pleasure, That our Cousins, the *Marshals of France*, shall meet forthwith, to prepare a Rule, as exact and clear as may be, concerning the divers Satisfactions and Reparations of Honour, that they shall judge ought to be ordain'd according to the divers Degrees of Offences; which Rule shall be inviolably stood to for the future, by all those who shall be employ'd in the Accommodations of Differences, which shall concern Point of Honour and the Reputation of Gentlemen.] This Declaration was confirm'd in Parliament the 29th of *July* in the same Year.

On the 30th of *July* 1657, there was a Decree of the Court of Parliament, importing a Reiteration of Prohibitions of Duels, and enjoining Officers to be very attentive in discovering Crimes of Duels, wherein they had been found negligent.

Now many Gentlemen of Quality in *France*, before the Year 1651, (as it is before intimated) had made a publick Declaration and solemn Protestation, under their Hands, to refuse all kinds of Challenges, and never to fight a Duel on any Account whatsoever. It was worded in these Terms:

[The Subsign'd, by the present Writing, make a publick Declaration and solemn Protestation of refusing all kinds of Challenges, and of not fighting a Duel on any Occasion whatsoever; and of rendering all kind of Testimony of the Detestation they have of Duels, as a Thing wholly contrary to Reason, to the Welfare and the Laws of the State, and inconsistent with Salvation and Christian Religion; tho' without renouncing the Right of Repelling by all lawful Ways any Injuries that shall be offer'd them, according as their Profession and Birth shall oblige them to it, being also alway ready on their Parts to give, with Sincerity, a right Understanding to those who shall conceive themselves to have some Cause of a Resentment against them, and resolving not to give Occasion to any Man.]

The *Marshals of France* being made acquainted and presented with this Declaration by the Gentlemen who subsign'd it, and being desir'd their Sense of it, gave the following Judgment thereon.

Erasmuch as many Gentlemen, very well known, as well by the illustrious Marks of their Houses, as by those they have given of their Courage, on divers Occasions, have represented to us, that they passionately wish to contribute all shall lye in them, for the Execution of the King's Edicts against the pernicious Use of Duels, introduc'd and grown inveterate in *France*, to the great Prejudice of Christian Religion, and of the Welfare of the State; that for this End they had subsign'd a Writing, containing a publick Declaration and solemn

solemn Protestation of refusing all kinds of Challenges, and of never fighting a Duel on any Cause whatsoever, and of rendering all kind of Testimony of the Detestation they have of Duels, as a Thing wholly contrary to Reason, to the Welfare and Laws of the State, and inconsistent with Salvation and the Christian Religion; tho' with renouncing the Right of Repelling, by all lawful Ways, Injuries that shall be offer'd them, as much as their Profession and Birth obliges them to it; being also ready on their Parts to give, with Sincerity, a right Understanding to those who shall conceive themselves to have some Cause of a Resentment against them, and resolving not to give Occasion to any Man: We, having seen and examin'd the said Writing, and after having heard them on this Matter, have approv'd, and do approve of what is contain'd in the said Writing; declare it conformable to the King's Edicts, and to the Laws of Honour, as it is to those of the true Religion: And we exhort all the Gentlemen of this Kingdom to subscribe to it, and to observe it in all its Points; as also those who have subsign'd to that Writing, and all those that will subsign it, and remedy the Disorder of Duels, to confer and advise together concerning the Satisfactions they shall conceive may reasonably pass in lieu of those which are hoped for by Duels; to prepare Memoirs of them, and put them forthwith into the Hands of our Secretary of the Marshalsey of *France*; to the End that having read and examin'd them, we may make a Report of them to his Majesty, to be confirm'd, if he shall think fit, by a new Edict or Declaration, to the Good
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of Religion and the Welfare of his State. *Paris*
the 1st of July 1651. Sign'd by the *Marshals*
of *France*, and beneath

QUILLET.

*The Resolution of the Prelates on this
Matter.*

WE, desiring to discharge the Obligation which the Holy Ghost has lay'd on us of governing the Church of God, to provide charitably for the Necessities of our Neighbour, and to procure the Salvation of Souls as much as it shall be possible for us: After having seen the Declaration made by many Gentlemen, of refusing all Sorts of Challenges, and never to fight a Duel on any Cause whatsoever; and afterward the Judgment given by the Marshals of *France* on the said Declaration, have judg'd it proper to approve the Generous and Christian Conduct of both, concerning the said Declaration and Judgment, and to fulminate, withal, new Anathema's against the Insolence and Barbarousness of Duels: Nature has them in Horror, Reason condemns them, and the Civil and Ecclesiastical Laws detest these black Furies, and Heaven is arm'd with its most rigorous Vengeance to punish such monstrous Crimes.

They are these cruel Excesses which bring at the same Time a Dishonour on the Laws, a Reproach on human Nature, an Injury on Religion, a Shame on Christianity, and cause a Weakening in the State, the Scandal of the People,

People, and the Anger of Heaven, and the Loss of Souls.

Is it not to extinguish the Sentiments of Humanity, and to divest us of the Light of Reason, for a Man to go about to destroy his Like, and to expose himself to the Danger of being lost, by giving Way to a brutish Passion, which seems to imitate the Fury of Tygers; or to establish a Point of imaginary Honour, which promotes a bloody and cruel Doctrine of Man-slaughter, which gives Rules for Murder, and which disguises Assassination in a Method and Measure, to seduce very often the most dastardly Spirits, and the weakest Courages.

The Decree of Pope *Stephen* prohibits the ill Custom of proving a Man's Innocency by Boiling Water, and by a burning hot Iron; and *St. Thomas* judges very pertinently, that at the same Time he condemns *Duels*. In Reality, What Colour is there for committing to the Chance of Arms a Man's Reputation, his Life, his Eternity; since it happens even very often, by a just Judgment of God, that the most Skilful, and the least Timorous, falls under the Hand of the Weakest.

Let Princes, therefore, and Magistrates, arm their Authority with a new Vigour, to mark with Infamy these Gladiators, who seem, in Contempt of Christianity, to go about to revive Paganism and Idolatry. It may be said, that we breathe yet the contagious Breath of those unfortunate Ages, in which Men sacrific'd to Idols the Blood and Life of Mankind. O Princes! O Judges! O Grandees of the Earth! who are the Umpires of the Fortune of Men, if by the Civil Laws you ought to see that the
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Poor be reliev'd with Food, which is necessary for them; what Account will you have to give before God, if you do not labour, as you may, to dry up the Sources of Blood, which, in the Language of the Scripture, are those of all Crimes?

The Use of Blood was expressly forbidden among the *Hebrews*, for two chief Reasons: First, to abolish Idolatry; and, secondly, to condemn Cruelty. God, alone, ought to be Master of the Life of Men; and the Blood of Animals was retain'd in the Sacrifices for an Acknowledgment of the sovereign Dominion of God, and to redeem the Life of sinful Men by the Effusion of the Blood of the Offerings: But in the Law of the Gospel, the Prophet *Isaiab* foretold us, That Fights, Wars, and Slaughter, should cease in the Peace of the Church, and under the Empire of the *Messias*, who is the true pacifick *Solomon*; this Blood ought not to be spilt but for the Glory of God and the Support of the Throne, for increasing the Crowns of Religion and that of the State, for the Promotion of Faith, and for the Interests of our lawful Monarch; this Blood, which the Insolence of the Duelists, and the Silence of the Judges unworthily sheds, requires another Vengeance, which must give a Terror to those who have any Sense of the Fear of God. The Voice of the Blood which is spilt on the Earth, carries its Cry even to Heaven; and more yet, the Voice of the Blood of the Son of God, which cries far beyond that of *Abel*, as *St. Gregory* explains it.

If then the Spectacle of a dying God makes an Impression on our Hearts, and if the Image of his cruel Martyrdom is not blotted out of our Memories, let us forever condemn Duels, having in Horror these detestable Practices, which cause a precious Blood to be sacrific'd to Devils, that ought to be manag'd for the Service of a God, who, thro' an Excess of Love, not to be equal'd, was prodigal of his own, to extinguish our Crimes and Ingratitudes: And at the same Time let us raise our Hands to Heaven, to draw down the Blessings of God on this illustrious Nobility, which has so christianly renounc'd those false Maxims, to embrace, with a perfect Religion, those of the Gospel: Assure yourselves, Gentlemen, that the laudable Reputation which you have acquir'd, worthy of the Greatness of your Courages, shall lose nothing of its Lustre by a Writing so generous, as that you have sign'd for renouncing *Duels*. Your Honour is in the Hands of God, who will be a faithful Depository, since you are faithful to the Interests of his Glory. We hope that our great King, whose admirable Qualities have from his first Infancy fill'd all Men with Admiration, is now upon consecrating the first Years of his Majority, and giving a new Lustre to his Crown by the Esteem which he shall make your Virtues. We are assur'd that God will bless his Arms and Councils, when he shall make Use of such Persons as you, in giving them honourable Employments. The Capacity of the Ministers of Kings is always great enough, when Probity is found in them; the main Point in Councils, and the Privy-Closet, is Fidelity; and those

are alway faithful to their Princes, who are faithful to God.

This is the Approbation which we are oblig'd to give to your Conduct: This is the publick Testimony of the Esteem and Respect we have for the Judgment given by the *Marshals* of *France*. These are the Vows and Wishes which we shall continue to offer on the Altars, to obtain an immortal Glory for all those who labour to turn aside the Scourges of God, which threaten us, unless we powerfully labour to abolish Crimes, and to hinder *Duels*. *Paris* the 29th of *August*, 1651.

J. F. *Archbishop* of *Paris*, J. F. P.
Coadjutor of *Paris*, H. de *Savoys*
Archbishop Duke of *Rheims*. F.
Bishop of *Amiens*, &c.



The

The Opinion of the Doctors of Divinity of the Faculty of Paris on the same Subject.

THE Doctors subsign'd are of Opinion, That all those who have Recourse to the Sacrament of Penance, and are not, in respect of *Duels*, in the Disposition express'd in the publick Declaration and Protestation, which many Gentlemen have made, of never fighting a *Duel*, on any Cause whatsoever, are incapable of the Benefit of Absolution, and of all the Sacraments of the Church: And as for those, who, upon fighting a *Duel*, die on the Spot; tho' the Church, thro' a very charitable Indulgence, permits them to be absolv'd of the Excommunication and Sins which they have incurr'd, when they are sincerely and truly penitent; nevertheless, it deprives them of Church-Burial, and declares them infamous and excommunicate, and gives its eternal Curse on all those who concur with them, or who give Counsel to receive Challenges and even on those who are Spectators of *Duels*. Resolv'd on at *Paris*, the 10th of *Aug.* 1651.

*J. Messier. C. Henriot. J. Pereyret.
J. Charton, &c.*

The Gentlemen who had subsign'd to the foremention'd Declaration and Protestation against *Duels*, have given in their Thoughts as

above directed, concerning Satisfaction. The Marshals of *France* proceeded to an Ordinance concerning the Reparations of Offences betwixt Gentlemen, for the Execution of the Edict against Duels. Their Ordinance is as follows:

FOrasmuch as it has been enjoyn'd us, by an express Order from the King, and particularly by the Declaration of his Majesty against Duels, read, publish'd, and register'd in the Parliament of *Paris*, the 29th of *July* last past, To meet together forthwith for preparing a Rule, the most exact and clear that might be, concerning the divers Satisfaction and Reparations of Honour, which we shall judge ought to be ordain'd according to the several Degrees of Offences; and after such a Manner, that the Punishment against the Aggressor, and the Satisfaction to the Party offended, be so great, and so proportion'd to the Injury receiv'd, that no Complaint or new Quarrel can break forth afresh; the said Rule being to be inviolably follow'd and observ'd, for the Time to come, by all those who shall be employ'd in the Accommodations of the Differences which shall concern Point of Honour, and the Reputation of Gentlemen: We, after having seen and examin'd the Propositions of many Gentlemen of Quality of this Kingdom, who have had divers Conferences together on this Subject, consequentially to the Order which was given them by us, on the 1st of *July*, 1651, and who presented us, in our Meeting, the said Propositions put in Writing, and sign'd by their Hands; have, after a mature Deliberation, concluded and resolv'd of the following Articles:

I. That

I.

That in all the Occasions and Subjects which may cause Quarrels and Resentments, no Gentleman ought to esteem contrary to Honour whatsoever may give a full and sincere Explanation of the Truth.

II.

That among Gentlemen, many having already protested solemnly, and in Writing, to refuse all Sorts of Challenges, and not to fight a Duel, on any Cause whatsoever: These are by so much the more oblig'd to give those clear Explanations, that without it they will formally act contrary to what they have written, and shall consequently be more worthy Reprehension and Chastisement in the Accommodations of the Quarrels which shall happen for want of a clear Understanding.

III.

That if a Person pretending to be offended, has so little Reason, as not to rest satisfy'd with a clear Understanding, which has been sincerely given him; and that he will oblige the Person by whom he conceives himself to have been offended, to fight him: He that has renounc'd Duels may answer him after this or the like Manner: *That he much wonders, that knowing the last Edicts of the King, and particularly the Declaration of many Gentlemen, in which he has publickly engag'd himself not to fight, he will*
not

not content himself with the clear Understanding that he gives him: And that he does not consider that he neither can nor ought to appoint or receive any Place for fighting, nor even to signify to him the Places where he might have a Rencontre, but that he shall change nothing in his usual Way of Living. And generally all other Gentlemen may answer, That if they are set upon, they shall defend themselves; but that they do not think their Honour obliges them to go and fight in cool Blood, and so formally contravene to the Edicts of his Majesty, to the Laws of Religion, and to their Conscience.

IV.
When there has been some Difference betwixt Gentlemen, whereof the one Party has promis'd and sign'd not to fight, and the others, not; these last shall be alway reputed Aggressors, unless the contrary appears by very plain Proofs.

V.

And because the Ways of Fact might easily be prevented, if we, the Governors or the Lieutenants-General of the Provinces, were not carefully advertis'd of all the Causes and Beginnings of Quarrels. We have consult'd and resolv'd, conformably to the Power given us by the last Edict of his Majesty, register'd in the Parliament, the King there present, the 7th of September 1651, to nominate and appoint always in each Bailiwick and Seneschalty of this Kingdom, one or more Gentlemen of Quality,
Age,

Age, and Ability, requisite for taking Informations of the Differences of Gentlemen, and to send them to us, or to the Governors and Lieutenants-General of the Provinces, when they shall be there resident; and to be generally done by the said Gentlemen deputed, what is prescribed by the second Article of the said Edict.

And we order, conformably to the same Edict, all our Provosts, Vice-Bailiffs, Vice-Senechals, Lieutenants-Criminal of the *short Robe*, and other Officers of the *Marshalseys*, to obey readily and faithfully the said Gentlemen deputed for the Execution of their Orders.

VI.

And to the end we may yet more carefully be advertis'd of the Differences of Gentlemen, we declare, according to the third Article of the same Edict, That all Persons who shall happen to be, tho' by Chance, at the Places where Offences shall be given, be it by an injurious Report, Discourses, or Words, be it by a Failure of Promise, be it by giving the *Lye*, by offering Threats, a Box on the Ear, a Stroke with a Cudgel, or other Violations of Honour, of what nature soever they are, shall for the future be oblig'd to give us Notice of them, or to the Governors or Lieutenants-General of the Provinces, or to the Gentlemen deputed; under Pain of being reputed Complices in the said Offences, and to be prosecuted as having tacitly contributed to them: And that those who shall have Knowledge of Suits in Law, which shall be upon the point of being begun betwixt Gentlemen

lemen for any important Concern, shall also be oblig'd, according to the same third Article of the said Edict, to give us Notice of it, or to the Governors or Lieutenants-General of the Provinces, or to the Gentlemen deputed in the Bailiwicks, to the end that a Means may be used to hinder the Parties from passing the ways of ordinary Justice, to come to those of Fact, and to do themselves Reason.

VII.

And because in all Offences that may be receiv'd, it is necessary to establish some general Rules for Satisfactions, which will sufficiently repair Honour as soon as they shall be receiv'd and practis'd; since it is but too manifest, that 'tis Opinion, which has establish'd for the greatest Part the Maxims of *Point of Honour*; and considering that in Offences we must mind, in the first Place, whether they have been given without Cause, and if they have not been repell'd by some Repartees or Revenges of a more outrageous Nature: We declare, that in those which have been so offer'd, without Cause, and which have not been return'd, if they consist in injurious Words, as of *Sot, Coward, Traytor*, and the like, it may be ordain'd for Punishment, that the Offender shall be imprison'd for a Month, the Time not being to be diminish'd through the Interest or Request of any one whatsoever, nor even through the Indulgence of the Person offended: And that after he shall be releas'd from Prison, he shall declare to the Person offended, *That unmeetly and impertinently*

he has offended him by abusive Words, which he owns to be false, and begs his Pardon for it.

VIII.

For giving the Lye, or using Threats of a Box on the Ear, or of a Stroke with a Stick, there may be ordain'd two Months Imprisonment, the Time not to be diminish'd, as before. And after the Offender is come forth of Prison, he shall ask Pardon of the Offended, with Words yet more satisfactory than the foremention'd, and which shall be particularly specify'd by the Judges of *Point of Honour*.

IX.

For actual Offences of a Box on the Ear, and the like, it shall be ordain'd for Punishment, that the Offender shall be imprison'd for six Months, the Time not to be diminish'd, as before; unless the Offender shall desire that half the Time of his Imprisonment be exchange'd into a Fine, which shall not be less than 1500 Livres, to be given to the nearest Hospital to the Place of Abode of the Offended, and which shall be paid before the said Offender comes out of Prison. And even after he shall be come forth, he shall submit himself also to receive from the Hand of the Offended the like Strokes to those which he gave, and shall declare in Words and Writing, *That he has brutishly struck him, and begs him to pardon and give this Offence.*

X.

For Strokes with a Cudgel, or the like Abuses, the Offender shall be imprison'd a whole Year; and the Time not to be moderated, unless it be for six Months, by paying three thousand Livres Fine, payable and to be apply'd as above. And after he is come forth of Prison, he shall ask Pardon of the Offended, kneeling on the Ground, and shall submit himself in this State to receive the like Strokes, shall most humbly thank him if he does not give him them, as he might do; and shall farther declare, by Word and Writing, *That he has brutishly offended him, that he begs of him to forget it, and that if he were in his Place, he would be content with the same Satisfaction.* And in all the Offences of Strokes with the Hand, or a Stick, or the like, beside the foresaid Punishments and Satisfaction, the Offended may be oblig'd to chastise the Offender with the like Strokes he has receiv'd, even tho' he should have the Generosity of not being inclin'd to do it; and this only in Case the Offence be judg'd so barbarous by the Circumstances, that it deserves that the Offended be reduced to this Necessity.

XI.

And at the Time the Reconciliations are made in all the foresaid Cases, the Judges of *Point of Honour* may order what Number they please of the Friends of the Offended, to see the Satisfaction which shall be ordain'd, and render them more notorious.

XII.

XII.

For any Offences or Violations of Honour which shall be offer'd a Gentleman on the Account of some civil Interest, or of some Action which shall already be begun before the ordinary Judges, we cannot in Offences so happening be too severe in the Satisfactions. And those who shall regulate the like Differences, besides the Punishments specify'd above in each kind of Offence, may farther order Banishment, for what Time they think fit, from the Places where the Offender makes his ordinary Residence. And when it shall be manifest, by the Notoriousness of the Fact, or other Proofs, that a Gentleman has possess'd himself of any Thing by the Ways of Fact, or by Surprise, no Agreement can be made, even concerning Point of Honour, 'till the Thing in Contest has been first put in the State it was before the Violence, or the Surprise.

XIII.

And because beside the abovemention'd Causes of Differences, Promises that are pretended to have been made and violated, produce infinite others, we declare, That a Gentleman who has gotten a Promise from another concerning any thing whatsoever, cannot build thereon any thing for the future, nor complain that it has been violated, unless it has been given him in Writing, or in the Presence of one or more Gentlemen. And thus all Gentlemen shall be oblig'd for the future to take this Precaution,

not only for obeying our Orders, but likewise for the Interest each Man has to conserve the Friendship of him who has given him his Word, and of not being declar'd Aggressor, as he shall be henceforward in all the Quarrels which shall happen after a Promise without Writing or Witnesses, and which he shall pretend has not been kept.

XIV.

If a Promise given in Writing, or before other Gentlemen, be found violated, the Person interested shall be oblig'd to ask Justice of us, or the Governors or Lieutenants-General of the Provinces, or of the Gentlemen deputed: In Default of which he shall be reputed Aggressor in all the Quarrels which may happen consequentially to the said Promise violated; as also all the Witnesses of the said Promise violated, who have not given Notice of it, shall be responsible for all the Disorders which may thence happen. And as to what regards the said Failings of a Man's Word, the Reparations and Satisfactions shall be order'd according to the Importance of the Matter.

XV.

If by the Relation of Persons present, or by other Proofs, it appears that an Injury has been done with a premeditated Design, in a Frolick-Humour, and with an Advantage: We declare, That, according to the Laws of Honour, the Offended may prosecute the Aggressor and his Complices before the ordinary Judges, as if he
had

had been assassinated. And this Proceeding ought not to seem strange, because he that offends another on an Advantage, renders himself by this Action unworthy to be treated as a Gentleman. Provided, nevertheless, that the Person offended had not rather refer himself to our Judgment, or to that of other Judges of Point of Honour for his Satisfaction, and for the Chastisement of the Aggressor; which ought to be much greater than all the preceding, that regard only those Offences which are offer'd in Quarrels that happen by Chance.

XVI.

In Case a Gentleman refuses or defers, without any lawful Cause, to obey our Orders, or those of the other Judges of Point of Honour, as to render himself before us or them, when he has been summon'd by an Act signify'd to him, or at his House, and also when he has not undergone the Pains ordain'd against him, he shall always be constrain'd to it, after a certain Time prescrib'd him, by being kept under Guard in his House, or imprison'd, conformably to the eighth Article of the said Edict; which shall be carefully executed by our Provosts, Vice-Bailiffs, Vice-Seneschals, Lieutenants-Criminal of the *Short Robe*, and other Lieutenants and Sergeants of the *Marshalseas*, under Pain of Suspension of their Places, and Privation of their Salary; and the said Execution shall be perform'd at the Cost and Charges of the Party disobedient and refractory.

XVII.

XVII.

And, according to the same eighth Article of the said Edict, if our Provosts, Vice-Bailiffs, Vice-Seneschals, Lieutenants-Criminal of the *Short Robe*, and other Officers of the *Marshalseys* cannot execute the said Imprisonments, they shall seize all the Revenues of the said disobedient Persons; shall give Notice of the said Seizures to the Solicitors-General, or to their Substitutes, according to the last Declaration against Duels, register'd in the Parliament of *Paris* the 29th of *July* last: The said Revenues to be apply'd, and to continue all the Time of the Disobedience acquir'd, to the Hospital of the Town where the Parliament shall be, under the Jurisdiction of which, the Estates of the disobedient Persons are, conjointly with the Hospital of the Royal Seat of Jurisdiction, whence they also depend; to the End, that interaiding each other in the Prosecution, the one may furnish the Information and Proof, and the other the Justice and Authority. And in case there are precedent Debts which hinder the Receipt of the Revenue confiscated to the Profit of the said Hospitals, the Sum to which the said Revenue might amount, shall become a mortgag'd Debt on all the Estate moveable and immoveable of the Disobedient, to be paid and discharg'd in its Order, according to the same eighth Article of the said Edict.

XVIII.

If those to whom we and the other Judges of Point of Honour have given Guards, shall make their Escape, the Reconciliation shall not be made 'till they have kept Prison during the Time ordain'd.

XIX.

And generally, in all the other Differences of Offences, which have not been specify'd here above, and whereof the Variety is infinite; as if they had been made with Cause, and if they had been repell'd with more hainous Reparties; or if by outrageous Words the Persons offending has drawn on himself the Lye, or some Stroke with the Hand; and, in a Word, in all other Occasions of Injuries insensibly aggravated: We remit it to the Judges of Point of Honour to ordain such Punishments and Satisfactions as the Case and Circumstances shall require; exhorting them to have alway a particular Consideration to him who has been the Aggressor and the first Cause of the Offence; and to send before us all those who are desirous to represent to us their Reasons, conformably to the second Article of the first Edict of his Majesty, register'd, as is said, in the Parliament the 7th of September, 1651. Paris, the 22d of Aug. 1653. Sign'd, *D'Estree, De Grammont, La Motte, L'Hopital, Plessis Presslin, Villeroy, De Gransey, D'Albert, De Clerembault*: And, beneath,

QUILLET.
A

*A Remonstrance of the Clergy of France,
made to the King, the Queen his
Mother being present, the 31st of
Aug. 1653, concerning a new Edict
against Duels.*

*By the Reverend Father in God Mes-
sire George Daubusson, Archbishop
and Prince of Ambrun.*

*Accompany'd with the Lord Cardinal Ma-
zarin, and the Lords Archbishops and
Bishops who were then at Paris.*

S I R,

OF all the Titles which belong to your
Majesty, through the Right of your An-
cestors and the Splendor of your Vertues, I
find none more illustrious nor more glorious
than that of the Sword of the Christian World,
which was given St. Louis by an Emperor of
the *Tartars*; because this Elogy, by some Re-
lation to the Quality of *Lord of Hosts*, which
the Holy Scripture has given to God, declares
your Majesty not only the Protector of the
Church, but likewise sovereign Umpire of Com-
bats. *Marcellus* was the first to whom was gi-
ven the formidable Name of the Sword of the
World, because he was an invincible Defender
of

of the Liberty of the *Romans*; but with whom may it more justly agree, than with a most Christian King, who from his most tender Infancy has quench'd the Fire of Civil Wars, and who since his Majority counts fewer Years than Victories against the ancient Enemies of the Crown? So the Zeal to Religion, and the Instinct of a natural Valour, have inspir'd your Majesty with the Christian and generous Resolution of renewing your solemn Edicts against fatal Combats, where the noblest Portion of your Subjects, abandoning, thro' a fatal Blindness, the Salvation of their Souls, shew the Marks of their Weakness, when they think to signalize the Grandeur of their Courage.

Sir, We thought that the Care of the Salvation of Souls, wherein our Duty engages us, oblig'd our Order to give most humble Thanks to your Majesty for a Law so holy; tho' indeed we could have wish'd, that the Articles of the Edict, which concern Burials and Ecclesiastical Censures, had been couch'd in Terms which had not offended the Ecclesiastical Authority: And as we carry the Word of the Church, which declares alway the Word of God, we have thought it at the same Time our indispensable Duty to join to our Thanksgivings some important Instructions for the Success of the religious Intentions of your Majesty.

The *Romans*, who establish'd their Empire by the Violence of Arms, on the Ruins of the most powerful Monarchs, were so strongly possess'd with the brutal Fury of Duels, that according to the Relation of one of their most famous Historians, in the Beginning of their

E

State,

State, they own'd no other Judge, even for Sharing their Estates, than the Chance of Combats; so that the wisest among them propos'd insensibly Laws to the People, to the end, that without spilling Blood, Actions might be determin'd by the sole Ways of Justice: We may say, that this furious Spirit had pass'd to the *French*, 'till the Age of St. *Louis*, who condemn'd the detestable Abuse which was introduc'd, of permitting, on certain Occasions, set Combats. And our Kings, animated by so powerful an Example, have taken Care, from Time to Time, to cause new Edicts to be publish'd against this wicked Attempt: But, alas! the Multitude of Remedies have exasperated the Distemper instead of appeasing it; the Laws have been violated with Iniquity, and the Prohibitions have serv'd but to add Insolence to the Crime.

Sir, Certainly there was never so dangerous an Injustice, nor so strange an Overthrow of good Maxims, as when the *French*, thro' a phantastical Conceit, and a false Idea they conceiv'd of Vertue, join'd Glory to the Fury of Duels: This barbarous Action has been condemn'd by the whole Church: The Council of *Trent* strikes with Anathema those that are guilty of them; it separates them from the Society of the Faithful, to shew us that God has already cut them off in Heaven from the Company of the Blessed; and to extend their Penalty after Death, it deprives them of Church-Burial. Your Majesty, in your Throne of Justice, where you sovereignly decide the true Point of Honour, punishes, with the last Punishment, these

these infamous Gladiators ; true Reason condemns them also of Weakness. In Reality, whoever is not able to wait the Reparation of an Injury by publick Authority, shews his Impotency in resisting the more severe Assaults of Fortune ; for being reduc'd to the Extremity either of supporting constantly an Offence, or to hazard his Life to revenge it, he cowardly chooses a less Ill, to avoid a greater ; that is to say, the Danger of Death, to free himself from an imaginary Infamy, which appears to him insupportable.

Nevertheless, I am forc'd to say, with an extream Grief, that all Reasonings make no Impression on the Mind in this Occasion : That the Rigour of Edicts is contemptible, and that even the Fulminations of the Church become of no Force for breaking the Hardness of Mens Hearts, while there is Room for imagining that your Majesty gives some Part of your Esteem to these sanguinary Men : So true it is, that the *French* Nobility, who are jealous of their Reputation above all the Nations of the Earth, look on your Majesty as the only Umpire, and the sole Disposer of Glory. And therefore, Sir, if your Majesty will reform a Disorder which weakens your State ; if you will manage the Blood of the Noblest of your Subjects for your Service in your Armies ; if you will divert the Anger of God, from whom the Voice of Blood spilt by Murder continually calls for Vengeance ; you must declare your Sentiments, by Marks of Infamy on the Guilty ; your private Discourses must accord with your Edicts ; you must speak in your privy Closet, as on the Tribunals of Justice ;

and that, being persuaded there is Cowardice in Duels, it may imprint so just an Opinion in the Spirits of your Nobility.

Solid Honour is inseparably join'd to Duty ; it's as a Ray which necessarily derives itself from the Light ; it's a Flower which cannot be gather'd but from the Stalk of Vertue : And as Kings give Proofs of their Courage, when, according to your Majesty's Example, they expose their Lives at the Head of their Armies, for the good of their State ; so Subjects give a Testimony of their Valour, when they expose their Lives for the Service of their Kings. The most famous Duellists have never been our most illustrious Captains : and those who have best succeeded in these unjust Combats, are not the Men who have defeated our Enemies in Battles. Anger, or Fury, have much a greater Part in those brutal Actions, than true Valour. It is Passion which counsels them ; it's Chance, or Skill, which brings them off ; it's Custom which approves them ; and finally, it's the *Demon* of the Age which crowns them. I add, that your Majesty is very greatly interested in so Noble a Sentiment : For, if Honour were included in Duels, it would follow, that your Majesty, who disputes already, in your first Exploits, the Prize of Military Virtue with the greatest Captains, would find yourself depriv'd of an Occasion of Glory, as not being to enter this List of single Combats ; much more thro' the Default of an Adversary of your Strength, than by the Rank of your Birth, since our Age produces not *Alexanders* nor *Cæsars* to enter the Field with you.

I call here, before the Throne of your Majesty, that illustrious Body of Gentlemen, of the greatest Houses of the Kingdom; who, after having given signal Proofs of their Courage, on divers Occasions, for your Service, have generously renounc'd, by a solemn Writing, the Illusion of the evil Spirit, to keep the Obligations of their Baptism. Shall it be said, that they wax pale at the first Aspect of Death? They look it in the Face daily very near, under a more horrible Aspect, in the midst of Armies. Shall it be said, that they dread the Efforts of their Enemies? They are not capable of Fear, according to the Maxims of the Gospel; but for your Anger, and that of God, who can deliver Body and Soul to eternal Punishments. Shall it be said, that they are touch'd with a Passion of less Zeal for your Service? On the contrary, their Fidelity is supported on a Foundation not to be shaken, since they are ty'd to their Duty toward your Majesty by the same Principle which unites them with God.

I should prevaricate in this Cause, if I did not most humbly supplicate your Majesty to make a serious Reflection on the Miracle which God began to operate in your Reign, by the holy Conspiracy of these Christian Heroes; but I should be much more guilty, to retain Truth a Captive in Injustice, if I should dissemble to you, that all the Gifts of God turn alway to our Salvation or to our Ruin. Sir, permit me to say, with the Liberty which my Function gives me, that your Majesty cannot receive with Indifference the Means which God presents you, for stopping the Rage of
 Duels;

Duels; for as the chief Cause of this Blindness depends on the Esteem of the Nobility, who have no more certain Rule in their Actions, than the precious Judgment of your Majesty, it follows, that as you may quell this cruel Disorder, by the Marks of your Contempt and Aversion, you may also foment it by the contrary Sentiments: And thus, by a Misfortune which we will believe impossible, you would become, in some Sort, a Complice of the Crime of particular Men.

Sir, We do not beg of your Majesty to apply violent Remedies, to impose new Punishments, to render Houses desolate, or to cut off Heads; tho' all these Chastisements are much beneath that Fury: We bear in Mind the Mildness of *Jesus Christ*, who obliges us, by his Example, to seek the Salvation of Sinners by the Principle of Charity, and never by that of Vengeance. The Church is a good Mother, which labours for the Conversion of her Children, and she never solicits their Loss; she asks only of your Majesty, by my Mouth, that you cut off the essential Cause of the Evil; that you destroy a contagious Opinion, which poisons Spirits; that you highly discredit Duels; that you load them with Infamy; that you banish from your Presence the Guilty; that you deprive them of your Favours; that you keep the same Language in your Discourses as in your Edicts; and that, finally, you declare, on all Occasions, that as a Duel is an Action full of Rage, which has not the Character of true Valour, so it does not merit but the Effects of your Indignation.

Sir,

Sir, we cannot doubt but your Majesty will employ your Authority, and most urgent Cares, for repressing this unbridled Liberty, and for advancing the Prosperity of this State, while we see the best and greatest Queen of the World seated near your Majesty in your Counsels: It is she who has guided the Vessel of the State in the Midst of the Tempest, fortify'd by the wise Counsels of this great Minister, whose Spirit has always presid'd o'er our Affairs; and who, in all our Agitations, has thought much less on his own Angers, than on those of the Publick Fortune. It is she who has merited the Honours which the *Romans* render'd formerly to those who had preserv'd the Empire, since that in deplorable Times, the Imagination of which strikes a Terrour, she has maintain'd the Crown on the Head of your Majesty. Finally, it is she whom God has given you, as the most precious Pledge of his Love; his Protection being not to be shewn more visibly, than by preserving to you a Mother full of Tenderness for your Person, of Zeal for your State, and of Experience for your Affairs.

Sir, some of the Kings of *Judah* undertook the Destruction of Idols; but thro' human Considerations, they, in some sort, tolerated the Worship: Whence it is, that the Holy Scripture, which praises *Joas* as a religious Prince, presently fades his Elogy by this bloody Reproach, *And nevertheless*, says it, *he fell into the Errour of his Predecessors; for he did not subvert the Altars which were raised on the Height of Mountains.* Ah! Sir, suffer not a Spot, like that of the Kings of *Judah*, to darken the Splendor of your Name; break all to Pieces the Idol of
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false Honour, to which an infinite Number of Souls have been sacrific'd in the Ages past. Compleat the Enterprize which your Predecessors have only dar'd to begin, and which they left imperfect, haply thro' the troublesome Conjunctions of their Reigns: It seems also, that God has reserv'd the Glory to your Majesty, by the Advantages which he has rais'd for its Accomplishment. Give Protection to this generous Nobility, who offer their Assistance for the Execution of so Christian a Design. Confirm the Authority of your Laws, by the respectful Subscription of all the great Persons of your Kingdom, of all the Officers of your House, and of all those generally, who have the Honour of approaching your august Person. Declare solemnly, and as a King, and as a *Brave*, concerning the Point of true Honour, and finally, for an Accomplishment of a Reputation as Clear as Great, put a Stop to this criminal Proof of an artificial Courage. We assure also your Majesty, as the Depositories of the divine Promises, that God, by his more particular Favours, will add to the Crown, which shines on your Head, a new Glory, which is wish'd to your Majesty, with the most ardent Vows of

Your most Humble, most Obedient, and

Most Faithful Subjects and Servants,

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*A Circulatory Letter of the Gentlemen-
Governors of the Hospital of Paris,
to the Governors of the other Hospi-
tals of France.*

Gentlemen, it is now a long Time since Duels have molested *France*, and that each Man has wish'd a Remedy powerful enough to put a Stop to this Disorder, so common at present : There is not need of many Reasons for conceiving a Horror against them ; tho' we had not the Zeal of Christianity, it would be enough for us to have some Sentiments of Humanity, and not to be absolute Barbarians ; to use all our Efforts, that Persons who are well in Health should no longer cut their own Throats, and that those who have no Quarrel, should no longer sacrifice themselves, to pay the Office of a Friend in quality of Seconds. It's only in *France* that Men revenge themselves by the Way of Duel : All the other Nations of the World, either the most Generous, the most Politick, or the most Brutish, absolutely condemn this Action, which is a *Mania* of the *French*. If a Person has receiv'd an Injury, why shall he farther prostitute his Life in order to a Satisfaction ? Does not the Person offended fight with Arms equal with the Offender ? And does he not put himself in danger of being Wounded or Kill'd, or to beg his Life ? Is it not to expose a Man's self to a greater Injury, in-

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stead of repairing the first? We have seen, within this Age, Edicts, Declarations, and Decrees, against Duels; they have been put in the Number of the Crimes of High Treason; they have been judg'd so horrid and detestable, that the Death of the Duellists does not exempt them from Penalties, nor from Shame. To condemn them after a more remarkable Manner, two Edicts have been publish'd on two glorious Days; the one, at the Coming of the late King, of happy Memory, to the Crown, *Anno* 1610 and the other at the Majority of our present King, happily reigning, *Anno* 1651. All the Prohibitions and Penalties have been hitherto to no Purpose; and it seems that since the Prohibitions have been most express, and the Penalties most severe, Duels are become more frequent, and the Way of Fighting more cruel: We have understood that since some Time, there have been some which could not proceed but from Fury and Despair. The King by his last Declarations has put in Practice all the Precautions possible for stopping this impetuous Torrent of Duels; and because it is true that many Persons cannot come to a Resolution of Prosecuting, by the Way of Justice, the Reparation of an Injury, and that it is not reasonable that Injuries should remain unpunish'd, Expedients have been provided for satisfying each Man by Ways which consist with Honour, without Penalty and Danger. The *Marshals* of France, or the Lords who shall be deputed in the Provinces, shall give Order to have Justice done, and that it shall be punctual, without a Man's being oblig'd to any
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Formality. This Way is good and innocent, whereas that which a Man takes of himself is hurtful and criminal; since there are good Ways for revenging Injuries, those who will revenge themselves, are by so much the less excusable: It is nevertheless difficult to stop this Impetuosity of the Passion of Duels, which is unfortunately in Use among the *French*; wherefore there is need of something above all the other Remedies. The King, of his own Inclination, as well as by his Edicts, the Lords Spiritual in their General Assembly, the Lords Marshals of *France*, by particular Articles, and a great many Lords and Gentlemen, by their Submissions, and by their Writings under their Hands, concur to one and the same End, of no longer sparing any Thing for hindering Duels; the Magistrates also contribute their Zeal, and use with Severity the Power of their Justice against the Guilty. It may possibly be thought strange that the Governors of the Hospitals should take Part, and should concern themselves in this Occasion, since the Cognizance of Duels is very remote from their Functions: It may be said, that if Duels trouble them, because they offend Religion and Charity, they may detest and bewail them, but they can do no more; that they ought not to take Cognizance of them, that they ought not even to accuse nor inform of the Crimes: Our Intention is not to meddle with any Thing above our Function: In Truth, we had had Recourse but to Sighs and Tears, in reference to Duels, unless two Things engag'd us to interest our selves in them; the one, because the Poor have the third Part of the Goods con-

fiscated on this Occasion, and that we cannot in Conscience neglect their Interest; this Reason alone would not invite us, but after the Confiscations judg'd, and not before: But the other is, that by taking at present an exact Cognizance of Duels, it is not so much an Enterprize in us as an Act of Obedience; we obey the King's Intentions, and the Orders of the Powers of the Kingdom. This Service is requir'd of us for the Publick; we are oblig'd to pay it, to avoid so great an Evil as Duels. What we have resolv'd, and have begun to execute is approv'd. It is judg'd that an entire Correspondence betwixt all the Governors of all the Hospitals of *France*, hath a great Effect; and we are assur'd, that as soon as there shall be seen an Execution of our Design, there will presently be reviv'd the other Overtures, which seem for some Time to have fall'n asleep, and the Cares will be redoubled for making the Protestations which have been made, to succeed. It is to obey the Orders which we have receiv'd, that we inform our selves of the Duels which have been committed, and of the Rencounters that have happen'd since the Month of *September 1651*. We have nominated Five among us as particular Commissioners on what concerns Duels: It's to the end that they may proceed in it with a more singular Affection, and that the ordinary Affairs of the Body of the Governors be not interrupted. Our Deputies meet every *Tuesday* of each Week; they receive there Informations, they propose there what is to be propos'd, they deliberate there, and conclude of the Things that present themselves. They have
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a particular Secretary, and a Register of Things decreed, which is distinct from that of our Body; but when there are important or extraordinary Occasions, the Report is made in full Assembly; and in this Case the Things concluded are set down in the common Register, whereof, nevertheless, Mention is made in that of Duels. We send you, Gentlemen, some Extracts of what we have already resolv'd. The Intent of our Court is, that to make a Discovery of the Crime with more Ease, and to procure some Good to the Poor by the Thirds which is appointed for them, there shall be some Part of the Thirds given to those who shall give Notice of Duels committed, obliging us to furnish the Proofs by them, if the Conviction cannot be had otherways, and to give by them Lights of the Estates, if the Knowledge cannot otherwise be had: This shall be done with regard to Circumstances of Things and Persons. It is sometimes good to interest some one with the Poor; and in all this Conduct we ought to regard but God and the Poor. These are the sole Motives which ought to animate us, and the sole Thoughts which we ought to have. We shall so do, that nothing may be imputed nor reproach'd to the Administrators of the Hospital of *Paris*, and even to secure our selves, as much as we may, both from a Default and Negligence. We promise our selves, Gentlemen, as much or more on your Part, since we are assur'd of the Piety of your Employ, whence we easily presume, and as it were necessarily, the Sincerity of your Intentions, and all that may depend of it. If the first
Letter

Letter which we writ to you has not had all the Success that was expected, we are chiefly the Cause, either for not having sufficiently explain'd our selves, or for not having open'd enough the Motives, the Consequences, and the Effects of the Design, which ought to be common betwixt us: We do it at present, and we pray you, Gentlemen, to inform us of all the Duels which have been committed in your Town and the Neighbourhood since the Month of *September*, 1651; and to continue your Informations for the future, if any shall be committed henceforward, and to set down the Persons, the Conditions, and the Estates of those who have Fought, of those who have sent or given Challenges, of their Seconds, or the greatest Number of them, of the Dead and Wounded, what are their Parents and Allies, their Credit or their Support in the Province. We do not ask only a Correspondence of the Gentlemen-Governours of the Hospitals, who are within the Reach of the Parliament of *Paris*, we ask it also of the Gentlemen-Governours of the Hospitals of the Towns where there is a Parliament; and we supplicate them to write to the Gentlemen-Governours of the Hospitals which are within the Limits of their Parliament, to the end there may be a like Correspondence betwixt them, and that, by thus doing, it be universal throughout the Kingdom. We may by this means root out, or cause to be punish'd, a Crime which offends God and the King, the Publick and our Neighbour, and which makes us despair of the Salvation, as well as of the Life, of those who commit it. We may conclude of having for Obstacles Per-

sons

sons of all Qualities, of all Humours, and of all Ages ; because there is now almost no one, either of the Peasants or Nobility, of the Soldiery, and even of Serving-men, as well as of Gentlemen, and of all others who make Profession of Arms, but will revenge his Quarrel, or give a Testimony of his Valour by a Duel : We must try to undeceive this false Generosity, to overcome all the Difficulties, to be obstinately resolv'd in so Pious and so Holy an Enterprize, and to stand firm against all sorts of Prayers and Considerations : We promise you, Gentlemen, our Cares and Pains, and to solicit for all, the King, Court, and all those who have a lawful Authority to Command, Prohibit, and Punish : We promise you an Assiduouſness without Remission, an inflexible Vigour, and that entire Correspondence, which we ask also of you ; for the better upholding us in it, it is good for us all to be known : We entreat you, Gentlemen, that when you shall do us the Honour to write to us, you will signify to us by your Letters, or by a particular Memoir, the Names, Qualities, and the Number of your Body ; Whether your Government be perpetual, or for a Time ; When, how, and by whom the Charges are made in it ; if the Church, the Magistrates, or other Officers have Part in it, either of Necessity, or Choice ; Whether there are Bodies or Commonalties under which they are ; Or whether there be an entire Liberty of chusing all sorts of Persons, and of all sorts of Professions : To send us Word also what Order you will keep in this Matter, and to whom of your Company we must address us, or whether we shall continue

tinue to write to your entire Body. We would not draw any Thing from you, but what you may know of us. After having given you to understand what we have resolv'd, and begun to execute, whereof we send you some Extracts, we inform you of our Government: It is at present compos'd of Sixteen Persons: The Lord first President of the Parliament is always the Chief: We have always had the Happiness to have a Head greatly affected to the Body of Governours. The Lord first President *de Bellieure*, lately deceas'd, whom no one can enough lament, nor praise, has given very powerful Testimonies by his Presence with the Body, by his Counsels at Home, and by his Reputation on all Occasions: He confirm'd them the Day before his Decease, by the rich Present he made to the Poor of the Hospital, of the precious Furniture of his Chamber: God having taken him from us, we hope in his Place a worthy Successor. We have ordinarily with the Lord first President of the Parliament, the Lords first Presidents of the Chamber of Accompts, and of the Court of Aids. There are beside the Lords of the Sovereign Companies in the Number of the others, which are nominated by the Company, according as there is a vacant Place by Death. We are all sworn in the Great Chamber; and tho' our Employ be during Life, it may be said with Truth, that each Man is very zealous of employing there all his Time and his Care. We send you the List of those who compose the Body of Judicature. We have a Receiver and a Register. The usual great Number of the Diseas'd, of Persons, and of Things necessary for

for the Subsistence and Maintenance of the Hospital of *Paris*, obliges us to have a great many Officers and Domesticks. It is true, the Revenue is considerable; but we owe it to the particular Blessing of Heaven, that tho' the Disbursements exceed the Revenue above a Hundred Thousand Livres each Year, which is a Truth not known to every one, but very easy to justify, the House nevertheless subsists; we daily acknowledge Sorts of Miracles, both in its Government, and in extraordinary Favours. Behold, Gentlemen, the Account we give you, both very punctual and very sincere; we hope from you that you will give us a Light of your Government as true and faithful. We beg the Grace that we may have all a Resolution and Strength in an Occasion so laudable, as that of hindring Duels, whereby we may serve God and the King, the Publick and our Neighbour. We should serve at the same time those who would destroy themselves, having an Intention to Fight: We pray them to reflect on themselves, and not to put themselves in a Condition that we may have a Right to ask for the Poor the Possession of their Estates: We pray them to consider how favourable the Poor are, and that they shall be well grounded to make this Demand of their Estates on the Account of the King's Declaration: And if they are not concern'd for being indebted to God, to the King, and to the Publick, let them be concern'd at least, because they are indebted to their Persons, to their Honour, and to their Salvation; to their Wives, if they are married; to their Children, if they are Fathers; and to their House, if

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they

they are generous and reasonable: Let them suffer themselves to be convinc'd by a Truth which seems to be out of doubt, that it is glorious to serve his Prince in the Army, but that it is shameful to perish by single Combats, as Duels are. If a Man will expose himself to die with his Arms in his Hand, it ought to be for the Service of the King and Kingdom, and not for a Quarrel or for a Passion. What Mischief, and what Horror, for a Man to render himself in a Moment unhappy and miserable! When there is question of the least important Affair in a Family, where there may be a Concern of Fortune, Relations are gather'd together, Things are propos'd and deliberated of. When there is a question of Health, as of the least Indisposition of Body, Recourse is made to the Advice of Physicians, and Persons apply themselves to the Search of all Remedies for getting Relief. When there is question of a Point of Conscience, Men apply themselves to their Directors: And in this Occasion, where the whole Loss of Fortune, Life, and Salvation is concern'd, all is left to Hazard without deliberating; all is left at Random, without making any Proposition; and Men withdraw themselves privately from all the World, lest they be diverted from losing in an Instant all that may lose for ever a Man and a Christian. Represent to your selves, Gentlemen, a Man in a State of Fighting, in which State he is in the Action of a Duel, and his State after the Duel; this Courage, in which he so much glories, is but the Appearance of a Generosity, and the true Effect of a criminal Cowardice, as not being able to suffer a Contempt, an Injury, or a Word; and

refusing to use the Ways which the King prescribes for a Reparation. He causes a Challenge to be given ; he goes to the Place appointed ; he that receives the Challenge goes there also. Both contemn their Lives and the King's Edicts ; the one, because he believes himself offended, and the other, because he imagines his Honour is concern'd not to refuse a Challenge. Nay, there is sometimes so much Imprudence in it, that Men prostitute themselves without there being any Injury or ill Design in Word or Deed : And mean while he that thinks himself offended, forgets all, not so much for drawing thence a Satisfaction, which would still be a Thing unjust, as for running upon Danger, which is the last of all Extremities ; and in which he engages his Friend, who was not concern'd, which is the chief of all Follies. They will all do an Action of Prudence and Secresy, by withdrawing themselves privily from all the World, to fight, that they may neither have Relief nor Witnesses : So that if the Act of Duelling be glorious, there is no Man who can give a faithful Testimony of it ; and they take no Witnesses, because, it is a Shame to fight. It is not enough to commit a shameful Action, they are beside depriv'd of all kinds of Assistances at a Time in which there may be most Need. As they abandon God, their Family, and themselves, they will be abandon'd by all Men. If they divest themselves of their Cloaths, it's a Sign that they depose all Sense ; and the Shift which is kept on, is the Symbol of the foolish Vanity which is reserv'd, and which is not depos'd by them but at Death. If there be some other Passion, it's only that

of perishing : For whatsoever happens of it, it's always to perish. The Preparatives for this Action are but Instruments for Perishing : There are carried there but Swords, Daggers, Knives, and of late Pistols, or other Fire Arms. Is it not to perish to be reduc'd to beg Life, when you would take it away ? If a Man has the Advantage of the Field, by killing his Man, he is constrain'd to fly, he must quit his House, his Family, his Country, and his Estate, to save himself. It is not difficult to imagine the Disquiet, Remorses, Grievs, Troubles, and Sufferings of a Fugitive. Now all Hopes must be lost of obtaining Favour, or Letters, in the Case of Duels, for any Persons whatsoever. A Man must no longer take a Resolution of Fighting, but he must make a Reflexion on the Necessity of Perishing. It may be said of Perishing, since that for a Moment of Revenge there remains but a continual Affliction, and without Hope for the rest of the Life. If a Man dies in the Field, it is not to perish more, since that a Man cannot perish more than by Death. And since that it is not dying as a Man, nor as a Christian ; it is not dying as a Man, to die a violent Death, procur'd by a Man's self, to die despairing, to die overthrown or destroy'd by his Enemy, lying along on the Dust, on the Grass, or on the Dunghil ; to bite the Earth and all that is in his Way ; to be more concern'd at his Impotency of executing his Passion, than of thinking of what ought more nearly to touch him ; and to vomit forth his Blood and Soul at the same Time that he vomits forth his Anger and his Rage. It is not to die as a Christian, not to lament his Sins, and
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not to be penitent before he dies. Alas ! how far is a Man remote from that State, when he sets upon all Things against the Commandments of God, and against the Prohibitions of his Prince. Dying in Despair, a Man dies in a Crime, and it's a double Crime for a Man to dye in a Design of Revenge. The gaping Wounds are not Mouths for Prayer, nor for asking Mercy ; but only Mouths of Blasphemies, and Breaches for Death. As we make a Profession of Christianity, can we think without Horrour what Eternity this Moment produces ! The Carcass is left on the Earth, and if it be taken up, it's only by the Enemy, to hide it, or by a Servant, or by the Hand of Justice : Justice must be deceiv'd, that the Body may not receive a new Ignominy after Death ; the Church must be deceiv'd, that it may be bury'd in holy Ground ; the Publick must be deceiv'd, if the Possession of his Estate may be preserv'd to his Children or Relations ; finally, the Judges and Witnesses must be deceiv'd, that the Memory of the Defunct be not condemn'd. But if the Crime be too well known, and the Confiscation be inevitable, Friends must be sought to for obtaining of the King the Confiscation and the Possession of the Estates of the Living and the Dead, without Gift, Will, or any Title of Succession, and without having any Obligation either to the Liberality of those that possess'd them, or to the Benefit of the Law ; but there must be no longer Hope of this last Comfort, which remain'd to Relations. The Third of the Estates of those who have fought a Duel, belongs to the Governors of the Hospitals, and it cannot be touch'd : A Thir^e belong^d

belongs to the Informers, which it will be endeavour'd that they shall keep: As to the other Third, it is appointed for the Charge, which will in a manner alway consume it, or at least for the greatest Part. So that these are Losses without Recovery, which each Man ought to apprehend, tho' the other Punishments were not to be fear'd. Excuse us, Gentlemen, for that in a Letter we fully point forth to you Duels and their Consequences, tho' this passes the Bounds of a Letter; and it's but a weak and imperfect Draught of a publick Truth. Possibly this Enterprize may not be wholly useles: It is not enough that a Crime which we have to oppose be known to us: all the Circumstances of it must be represented, to fortify us in our Design; we shall make greater Efforts to procure a greater Good, when we shall have present in our Thoughts the Excess of the Evil which we will hinder. Haply also these Letters may fall into the Hands of Persons who may be in a Disposition to do it, and who will make a Reflexion on it before they will commit it: They will think that if they fall into this Misfortune, they shall have in a manner as many Parties or Informers against them, as there are Governors of Hospitals in *France*, who being united in Innocence, Reason, and Justice, will be much more powerful than a particular Person, or than all the Relations and Friends of a guilty Person. Think of it well, Gentlemen, and let us all think of it. Let us consider that it is to please God, the King, and the Publick; that we shall not do a Thing as not appertaining to our Functions, by hindering a Disorder, which makes many Widows and many Orphans.

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We may contribute to the preserving of a Husband to a Wife, of a Father to Children, of Children to their Father, of a Relation to his Relation, of a Friend to his Friend: We may bring it to pass, that young Gentlemen and young Lords may give to the Exercises of Vertue, or at least to vertuous Companies, what they employ in the Maintenance of Gladiators, and in dangerous Solicitations. We shall participate in the Good which the State and particular Persons will receive by it. We may by this means merit in this World, and receive in the other a Recompence. We are all convinc'd of the Disorder and of the Good. We humbly pray you, Gentlemen, to have the same Sentiments as those, who are,

Gentlemen,

Your most humble

and most affectionate

From the Hospital
of Paris, the . . . of
September, 1657.

Servants and Brethren,

The Governours of the
Hospital of Paris.



An Edict of the King, containing a General Regulation concerning Duels, made at St. Germain en Lay in the Month of Aug. 1679. Registred in Parliament the 1st Day of September of the same Year.

LOUIS, by the Grace of God King of France and Navarre, to all the present and to come Greeting. As we acknowledge that one of the greatest Favours which we have receiv'd from God, in the Government and Encouragement of our State, consists in the Firmness which he has been pleas'd to give us for maintaipling the Prohibitions of Duels and single Combats, and severely punish those who have contraven'd to a Law so just and so necessary for the Preservation of our Nobility, We are throughly resolv'd to cultivate with Care so particular a Favour, which gives us Ground to hope that we may be able to arrive, during our Reign, to the Abolishment of this Crime, after having been attempted in vain by the Kings our Predecessors. For this Effect, we have apply'd ourselves anew to examine well all the Edicts and Ordinances made against Duels, and all that has been done consequentially to them, to which we have judg'd it necessary to add divers Articles. For these Causes, and other good and great Considerations moving us thereunto, with the Advice of our Privy-Council, and through our certain Knowledge, full Power, and Royal Authority, after

after having examin'd in our said Council what our most dear and well-belov'd Cousins the *Marshals of France*, who have met together ofentimes on this Subject, have propos'd to us: We, by renewing the Prohibitions made by our Edicts and Ordinances, and those of the Kings our Predecessors, and by adding what we have judg'd necessary, have said, declar'd, concluded, and ordain'd, and by our present Edict, which shall be perpetual and irrevocable, we say, declare, conclude, and ordain, it is our Will and Pleasure,

I.

We exhort all our Subjects, and enjoin them to live for the future together in that Peace, Union, and Concord, which is necessary for their Preservation, and for that of their Families, and the State, under pain of incurring our Indignation and our exemplary Chastisement: We enjoin them also to give the Respect becoming each one according to his Quality, Rank, and Dignity; and to use mutually one with another, all that shall lye in them for preventing all Differences, Debates, and Quarrels, especially those which may be follow'd by Ways of Fact; to give each other sincerely, and *bona fide* all the right Understanding necessary upon the Complaints and Dissatisfactions which may happen betwixt them; to hinder coming to Action in any Way whatsoever; declaring, That we shall repute this Proceeding for an Effect of the Obedience which is due to us, and which we hold to be most conformable to the Maxims of true Honour, as well as to those of Christianity, no Person being able to dispense himself from this mutual Charity without Action, con-

trary to the Commandments of God as well as ours.

II.

And forasmuch as there is nothing so laudable, nor which gains more the Affections of the Publick and of private Persons, than to stop the Course of Duels in their Source, We enjoin our most dear and well-belov'd Cousins, the *Marshals* of *France*, whether they are attending on us, or in our Provinces, and the Governours-General of our Provinces, and, in their Absence, the Lieutenants-General in the same, to employ themselves very diligently, and with all Readiness, in ending all the Differences which may happen betwixt our Subjects, by the Ways, and as they are impower'd by the Edicts and Ordinances of the Kings, our Predecessors. And moreover, we impower our said Cousins to appoint in each of the Bailywicks or Seneschalties of our Kingdom, one or more Gentlemen, according to their Extent, who may be of Quality, Age, and Capacity, requisite for receiving Informations of Differences which may happen betwixt Gentlemen, Soldiers, and others of our Subjects, to send them to our said Cousins, the *Marshals* of *France*, or to the eldest of them, or to the Governours-General of our Provinces, and our Lieutenants-General of the same, when they shall be there present: And we impower the said Gentlemen, who shall be so deputed, to cause to be brought before themselves, in the Absence of the Governours, and our said Lieutenants-General, all those who shall have any Difference, to bring them to an Agreement, or to send them before our said Cousins,

Cousins, the *Marshals of France*, in case that either of the Parties finds himself griev'd by the Agreement propos'd by the said Gentlemen, or will not submit himself to their Judgments. And when the said Governours General of our Provinces, and our Lieutenants-General of the same, shall be in the Provinces, in case the Quarrels which shall happen shall require a speedy Remedy, for hindering what may follow, and that the Governours are absent from the Place where the Difference shall happen: It is our Will, that the Gentlemen deputed, take Care in it at the very Instant, and cause to be executed what is contain'd in the Articles of the present Edict, whereof they shall give Information at the Instant to the said Governours General of our Provinces; or, in their Absence, to the Lieutenants-General in them, to labour incessantly for an Accommodation: And, for this Effect, we most expressly charge all Provost-Marshals, Under-Bailiffs, Under-Stewards, their Lieutenants, Exempts, Clerks, and Officers, faithfully and readily to obey, under Pain of Sequestration of their Offices, and Deprivation of their Wages, the said Gentlemen deputed for the taking Cognizance of the said Differences; whether those who quarrel be to be summon'd, made Prisoners, their Goods seiz'd and estreated, or any other necessary Acts be to be done, for hindering the Ways of Fact, and executing the Orders of the said Gentlemen so committed, and all at the Cost and Charges of the Parties.

III.

Farthermore we declare, That all who shall be present, or shall meet, though accidentally, in the Places where Offences against Honour shall be committed, whereby Reports or injurious Discourses, by Breach of Promise, or Word past by giving the Lye, Blows, or other Outrages, of what Nature soever they be, shall be oblig'd, for the future, to give Notice of the same to our Cousins the Marshals of *France*, or the said Governours-General of our Provinces, and our Lieutenants-General in the same, or the Gentlemen deputed by our said Cousins, under Pain of being reputed Complices in the said Offences, and of being prosecuted as having tacitly contributed thereunto, for not having endeavour'd to prevent the bad Consequences of the same. It is, in like Manner, our Will and Pleasure, That they who shall be acquainted with any Beginning of Quarrels and Animosities, occasion'd by Suits, that are like to be intended betwixt Gentlemen, for any important Interest, be oblig'd, for the future, to give Notice thereof to our said Cousins, the Marshals of *France*, or the Governours-General of our said Provinces, and the Lieutenants-General of the same, or, in their Absence, to the Gentlemen deputed in the Bailiwicks, to the End they may, with all their Power, hinder the Parties from leaving the ordinary Course of Civil Justice, and coming to the Ways of Fact. And that we may be the better inform'd of all the Duels and Combats that happen in our Provinces, we charge the Governours-General, and Lieutenants-General of

of the same, to give Advice to the Secretaries of State, every one in his own Precincts, of all the Duels and Combats that shall happen within the Limits of their Jurisdiction, to the first Presidents of our Courts of Parliament, and to our Attorneys-General in the same; in like manner to give Advice to our dearly Beloved and Trusty, the *Sieur Le Tellier*, Chancellor of *France*, and the Gentlemen deputed, and Officers of the *Marshalseas*, to the Marshals of *France*, that they may, in their several Places and Stations, give us Information of the same. We also command all our Subjects to give us Advice thereof, by such Ways as they shall think fit, promising to reward those who shall give Notice of Combats happening in the Provinces, whereof we have receiv'd no Advice from other Hands, with the Means of having the Proof thereof.

IV.

When our said Cousins, the Marshals of *France*, the Governours General of our Provinces, and our Lieutenants-General in the same, in their Absence, or the Gentlemen deputed, shall have Information of any Difference amongst Gentlemen, and amongst all those that make Profession of Arms, within our Kingdom and Countries under our Obedience; which, proceeding from outrageous Words, or other Causes relating to Honour, may be like to incline them to some extraordinary Resentment: Our said Cousins, the Marshals of *France*, shall forthwith send expresse Prohibitions to the Parties, that directly or indirectly they demand Satisfaction of one another

ther by the Ways of Fact, and shall cause them to be cited to appear immediately before them, that there they may be adjusted. And if they apprehend, that the said Parties be so incens'd, that they will not give the Respect and Deference which they owe to their Orders, they shall presently send them Officers and Guards of the *Constabulary* and *Marshalsea* of *France*, to wait upon their Persons, at the Cost and Charge of the said Parties, until they have appear'd before them; which shall be likewise practis'd by the Governours-General of our Provinces, and our Lieutenants-General in the same, within the Extent of their Governments and Charges; by causing those who have any Quarrel, to be cited before them, or sending some of their Guards, or other Persons, to wait upon them, to hinder them from coming to the Ways of Fact: And we give Power to the Gentlemen deputed in every Bailywick, in Absence of the Marshals of *France*, Governours-General of our Provinces, and our Lieutenants-General in the same, to take the same Course with those who have Quarrels, and to make Use of Provost-M Marshals, their Lieutenants and Officers, for the Execution of their Orders.

V.

They who shall have Quarrels, appearing before our Cousins, the Marshals of *France*, or Governours-General of our Provinces, and Lieutenants in the same, or, in their Absence, before the said Gentlemen, if any atrocious Injury appear to have been committed with Advantage, either out of a premeditated Design or Frolick, our Will and Meaning is, that the Party

Party offended receive so advantageous Reparation and Satisfaction, that he have full Cause to rest satisfy'd; confirming as much as is needful, by this our present Edict, the Authority given by the deceas'd Kings, our most honoured Grandfather and Father, to our said Cousins, the Marshals of *France*, to judge and decide, by sovereign and definitive Sentence, all Differences concerning the Point of Honour, and Reparation of Offences, whether they happen in our Court, or any other Place of our Provinces, where they shall be; and to the said Governours, or Lieutenants General, the Power which they have also given them for the same End, every one within the Extent of his Jurisdiction.

VI.

And because sometimes Offences are committed, which so much concern Honour, that not only the Persons who receive them are thereby injur'd, but also the Respect that is due to our Laws and Ordinances manifestly violated: We will, that those who shall commit such like Offences, besides the Satisfactions ordain'd, in regard of the Persons offended, be likewise condemn'd by the said Judges of the Point of Honour, to suffer Imprisonments, Banishments, and Fines. Considering also, that there is nothing more unreasonable, or contrary to the Profession of Honour, than the Outrage that may be committed upon Occasion of some civil Interest, or some Law-Suit commenc'd before the ordinary Judges: It is our Will and Pleasure, that in the Accommodations of Offences proceeding from such Causes, the said Judges of the Point of Honour, use all the
Rigour

Rigour that they shall think reasonable, for the Satisfaction of the Party offended; and that, for the Reparation of our Authority, thereby wounded, they ordain, either Imprisonment, during the Space of three Months or less, or Banishment for so long Time from the Places where the Offender has his Residence, or the Loss of one or two Years Revenue of the Matter disputed.

VII.

Seeing many Differences happen amongst Gentlemen, because of Hunting, honorary Rights of Churches, and other Preheminencies of Manours and Lordships, as being nearly related to the Point of Honour: Our Will and Pleasure is, That our said Cousins, the Marshals of *France*, the Governours of our Provinces, and our Lieutenants in the same, and the Gentlemen deputed in the said Bailiwicks or Stewarties, use their utmost Endeavours to oblige the Parties to agree upon Arbitrators, who may with them judge summarily, without Formalities, the Ground of such like Differences; reserving still the Right of Appeal to our Courts of Parliament, when one of the Parties shall find himself wrong'd by the Verdict of the Arbitrators.

VIII.

In Case a Gentleman refuse, or, without lawful Cause, delay to obey the Orders of our Cousins, the Marshals of *France*, or of the other Judges of the Point of Honour, as to appear before them, when he hath been cited, either personally, or at his Dwelling-house; and also when he hath not submitted to the Banishment impos'd upon him, he shall forthwith be

be forc'd to it, (after a certain Time prescrib'd to him by the said Judges) either by a Garrison put into his House, or by the Imprisonment of his Person; which shall be carefully put in Execution by the Provosts of our said Cousins, the Marshals of *France*, Under-Bailiffs, Under-Stewards, their Lieutenants, Exempts, and Officers, upon Pain of Sequestration of their Offices, and Loss of their Wages, according to the Ordinances of the said Judges; and the said Execution shall be made at the Cost and Charges of the disobedient and refractory Party. And if the said Provosts, Under-Bailiffs, Under-Stewards, their Lieutenants, Exempts, and Officers cannot execute the said Imprisonment, they shall seize and estreat all the Revenues of the said banish'd or disobedient Person, to be apply'd and remain as acquir'd, during the whole Time of his Disobedience; *to wit*, one Half to the Hospital of the Town where there is a Parliament establish'd, and the other to the Hospitals of the Place where there is a Royal Seat; under the Jurisdiction of which Parliament, or Royal Seat, the Goods of the said banish'd or disobedient Person shall be; to the end, that mutually assisting one another in the Prosecution, the one may supply the Advice and Proof, and the other interpose our Authority by that of Justice, for the Effect of our Intention. And in case there be preceding Debts, that hinder the uplifting of the said Revenue, applicable to the Profit of the said Hospitals, the Sum to which it amounts shall be charg'd as a Debt upon all the Chattels of the Party banish'd, to be pay'd and discharg'd

in Course, from the Day of the Sentence pass'd against him.

IX.

Moreover we ordain, That those who have been put under the Guards of our Cousins, the Marshals of *France*, the Governors-General of our Provinces, and our Lieutenants in the same, or of the said Gentlemen deputed, and who shall make their Escape in what Manner soever, shall be severely punish'd, and not admitted to Accommodation upon the Point of Honour, 'till those that have been guilty of the said Escape, or Breach of Guard, have been put in Prison, and at the Instance of our Proctor in the Constabulary, and of the Substitutes of the other Marshalseas of *France*, proceeded against according to the Forms required by our Ordinances. It is our Will and Pleasure, that upon the Information or Report of the Guards that have been appointed to keep them, without any other Information, they be sentenc'd at the Instance of the said Substitutes, and their Process summarily made.

X.

Though the Care we take of the Honour of our Nobility sufficiently appears by the Contents of the foregoing Articles, and by our solicitous Search of the Means that are esteem'd the most proper for stifling Quarrels in their Birth, and laying upon those who offend, the Blame and Shame which they deserve, being nevertheless apprehensive that some may still be so bold as to contravene our Will and Pleasure so expressly declar'd, and presume that they have Reason to seek to revenge themselves,

selves, We Will and Command that he, who thinking himself injur'd, shall give a Challenge to any Man upon his own Account, shall for ever forfeit his Right of obtaining Satisfaction for the Offence that he may pretend to have receiv'd, be kept in Prison for the space of two Years, and condemn'd in a Fine to the Hospital of the Town next to the Place of his Abode, which is not to be of less Value than the half of one Year's Rent of his Estate, and besides, that he be suspended from all his Offices, and depriv'd of the Profit of them for three Years. We permit all Judges to heighten the said Penalties, according as the Conditions of the Persons, the Grounds of the Quarrels, as Suits commenc'd, or other civil Interests, the Prohibitions violated, or Escapes made, the Circumstances of Places and Times, shall render the Challenge more punishable. And if he that is challeng'd, instead of refusing the Challenge, and of giving Notice of it to our Cousins, the Marshals of *France*, or to the Governors-General of our Provinces, and our Lientenants in the same, or to the Gentlemen deputed, as we do enjoyn him to do, go to the Place assign'd, or attempts to do so, he be punish'd with the same Penalties of the Challenger. Farthermore it is our Pleasure, that they who shall Challenge for another, or shall accept a Challenge, without having inform'd of it before, be punish'd with the same Penalties.

XI.

And for so much, that besides the Punishment that those who Challenge ought to incur,

there are some who deserve to be doubly chastiz'd and repress'd, as when they attack those who are their Benefactors, Superiors, and Lords, or Persons of Command, and rais'd by the Quality of their Charges; and especially when the Quarrels arise for Actions of Obedience, to which an inferior Condition, Charge, or Employment hath subjected them, or for the Corrections which they have undergone by their Authority, who have the Power to impose them upon them: Considering that there is nothing more necessary for the maintaining of Discipline; especially amongst those who make Profession of Arms, than Respect towards those who command them: We Will and Command, That they who shall break out into that Excess, and more particularly they who Challenge their Officers or others, who have the Right to command them, shall be kept in Prison for the space of four Years, depriv'd of the Exercise of their Charges during the said Time, with the Pay and Salary due to them, which shall be given to the Hospital general of the next Town. And in case it be an Inferior against his Superior or Lord, he shall be kept in Prison during the said four Years, and shall be condemn'd in a Fine, which cannot be less than a Year's Rent: Expressly charging our said Cousins, the Marshals of *France*, Governors-General of our Provinces, and the Lieutenants-General in the same, and the Gentlemen deputed, and especially the Generals of our Armies, wherein that Disorder may be more frequent than any where else, to see to the severe and exact Execution of the present Article. And if the superior

perior Officers or Lords, who have been challeng'd, receive the Challenge, and put themselves in a Condition of satisfying the Challengers, they shall be punish'd with the same Penalties of Imprisonment, Sequestration of their Charges, and Revenues of the same, and Fines above specify'd, not to be dispens'd therefrom, whatever Instances and Supplications they may make to us for that Effect.

XII.

And forasmuch as we are resolv'd to cashier and turn out of Place, all who shall be found guilty of the said Crime, and that notoriously: If they who have been so cashier'd and turn'd out of Place, resent it against those whom we shall prefer to the same, by Challenging, or provoking them to Fight, either by themselves or others, in Re-encounter, or otherwise, We Will that they, and those whom they have made Use of, be imprison'd for the space of six Years, and condemn'd in a Fine of six Years Rent of their Estates, without any Hopes of ever being releas'd from the said Penalties: And generally, that they who shall a second Time violate our present Edict as Challengers, and more particularly they who have made Use of Seconds to carry Challenges, be punish'd with the same Pains of Imprisonment, Loss of Places, and Fines, though no Combat ensued upon it.

XIII.

If contrary to the Prohibitions of this our present Edict, the Challenger and Challeng'd do actually Fight, We Will and Ordain, That
though

though there be none either wounded or kill'd, yet they shall be proceeded against criminally and extraordinarily; that they be without Pardon punish'd with Death; that all their Goods, real and personal, be confiscated to us; a Third of them applicable to the Hospital of the Town where the Parliament is, in the Jurisdiction whereof the Crime hath been committed, and jointly to the Hospital of the Royal Seat next to the Place of the Fact; and the two other Thirds, as well for the Charges of the Apprehension and Execution of Justice, as to what the Judges shall think equitable to adjudge to the Wives and Children, if any there be, for their Subsistence and Entertainment only during their Lives. And if the Crime be committed in the Provinces where Confiscation has no Place, It is our Will and Pleasure, That instead of the said Confiscation, a Fine be set upon the Goods of the Criminals, to the Profit of the said Hospitals, which is not to be less than the half of the Goods of the Criminals. We Command and Charge our Proctors-General, their Substitutes, and those who have the Administration of the said Hospitals, to make careful Search and Prosecutions for the said Sums and Confiscations, for the which their Action shall continue during the Time and Space of Twenty Years, though they should even make no Prosecution that might prorogue it; the which Sums and Confiscations shall not be remitted nor diverted, upon any Cause or Pretext whatsoever. And if one or both the Duellers be kill'd, We Will and Command, That the Criminal Process be made

made against the Memory of the Dead, as against those who are guilty of Treason against God and Man; and that their Bodies be depriv'd of Burial, prohibiting all Curates, their Vicars, and other Church-Men, to inter them, or suffer them to be interr'd in consecrated Ground: Confiscating besides, as above, all their Goods real and personal. And as to the Survivor who hath kill'd, besides the above-mention'd Confiscation of all his Goods, or the Fine amounting to one half of the same in the Countries where Confiscation hath no Place, he shall unpardonably be punish'd with Death, according to the Disposition of the Ordinances.

XIV.

The Goods of him that hath been kill'd, and of the Survivor, shall be dispos'd of by the Administrators of the Hospitals, during the Prosecution of the Action for Duelling, and the Revenues apply'd to the defraying the Costs of Suit.

XV.

Though we hope that our Prohibitions, and the Penalties so justly appointed against Duels, will keep all our Subjects for the future from falling into them; nevertheless, if any should still be so rash, as to dare to contravene our Will and Pleasure, not only in doing themselves Justice, but besides in engaging also in their Quarrels and Resentments, Seconds, Thirds, or a greater Number of Persons, which cannot be done but by a crafty Cowardice, which makes those who are sensible of their own Weakness,

Weakness, seek for the Safety they need, in the Skill and Courage of others: We Will, that they who shall be found guilty of so criminal and base a Contravention of our present Edict, be, without Remission, punish'd with Death, tho' no Man should be wounded or hurt in the Duels; that all their Goods be confiscated as before; that they be degraded from Nobility, and declar'd Ignoble, incapable for ever of holding any Place, their Arms defac'd, and publickly born by the Executioner of high Justice. We enjoin their Successors to change their Arms, and take a new Coat, for which they shall obtain our Letters for that Effect: And in case they resume the same Arms, they shall of new be defac'd, and born by the publick Executioner, and they condemn'd in a Fine of two Years Rent of their Estates; one Half applicable to the Hospital-General of the next Town, and the other Half at the Pleasure of the Judges. And seeing no Chastisement can be great enough to punish those who engage upon so slight an Account, and so criminally in the Resentment of an Affront wherein they have no Concern, and which they ought rather endeavour to adjust, for the Preservation and Satisfaction of their Friends, than to pursue the Revenge of it, by Ways that are as far from true Valour and Courage, as they are from Charity and Christian Friendship: It is our Will, That all who fall into the Crime of being Seconds, Thirds, or other Numbers, be alike punish'd with the same Penalties, which we have appointed for those that shall employ them.

XVI.

Forasmuch as there are some of base Birth, and who have never carry'd Arms, who are nevertheless so insolent as to Challenge Gentlemen, who, because of the Difference of their Conditions, refusing to do them Reason, the same Persons stir up other Gentlemen against those whom they have challeng'd, whence sometimes Murders follow, so much the more detestable, as that they proceed from an abject Cause: We Will and Command, that in Case of such Challenges and Combats, especially if they be attended with any great Wound, or Death, the said ignoble Fellows who shall be duly attaint and convicted of having caused and promoted such Disorders, without Remission, be hanged; all their Goods moveable and immoveable confiscated, two Thirds to the Hospitals of the Places, or of the next adjacent; and the other Third employ'd for the Charges of the Tryal, for the Maintenance of the Widows and Children of the Deceased, if any there be: With Power besides to the Judges of the said Crimes, to appoint of the Goods confiscated, such Recompence as they shall think reasonable to the Informer and other Discoverers of the said Case; to the end that in so punishable a Crime every one may be invited to the informing of it. And as to the Gentlemen who have so fought for unworthy Causes, and against ignoble Persons, We Will that they suffer the same Punishments that we have appointed against Seconds, if they can be apprehended; if not, they shall be proceeded against, upon Default and Contumacy, according to the Rigour of the Ordinances.

XVII.

We Will that all who shall knowingly carry Challenges, or attend to the Places of Duels or Rencounters, as Lackeys, or other Servants, shall be whipt and stigmatized for the first Fault; and if they relapse into the same Fault, sent to the Gallies for ever. And for those who have been Spectators of a Duel, if they have gone purposely for that Effect, We Will that they be for ever deprived of the Places, Dignities, and Pensions which they possess; and if they have no Places, that a fourth Part of their Goods be confiscated and applied to Hospitals; and if the Fact be committed in any Province where Confiscation hath no Place, that they be condemn'd in a Fine for the Profit of the said Hospitals, which is not to be less worth than the fourth Part of the Goods of the said Spectators, whom with Reason we repute Accomplices of so detestable a Crime, seeing they assist at it, and hinder not the same as much as they can, to which by the Laws of God and Man they are oblig'd.

XVIII.

And forasmuch as it hath frequently happen'd that for avoiding the Rigour of the Penalties by so many Edicts appointed for Duels, many have sought for Occasions of Rencountering, We Will and Command that they, who pretend to have receiv'd any Offence, and have not given Notice of it to the said Judges of the Point of Honour, and who shall engage upon Rencounter, or fight singly, or in an equal State and Number, with alike Arms
on

on each Side, on Foot or on Horse-back, be subject to the same Punishments as if it had been a Duel. And because there have been also some of our Subjects, who having quarrelled within our Dominions, and having met to fight without them, or upon our Frontiers, have thought that by that Means they might evade the Effect of our Edicts, We Will that all who shall do so, be pursued criminally, if they can be taken; if not, upon Contumacies; and that they be condemn'd to the same Punishment, and their Goods confiscated, as if they had contraven'd the present Edict within the Bounds, and not withdrawing out of our Provinces; Judging them so much the more criminal and punishable; that the first Emotions in the Heat and Newness of the Offence can no more excuse them, and that they have had Time enough to moderate their Resentment, and abstain from so prohibited a Revenge, no Place being left for those concern'd in the Cases mention'd in this present Article to alledge Chance or Accident, to which we charge our Judges to have no Respect.

XIX.

And to prevent that so holy a Law, and so profitable to our State, become not useless to the Publick, for fault of Observation thereof, We most expressly Enjoyn and Command our Cousins, the Marshals of *France*, to whom, under our Authority, belongs the Cognizance and Decision of Contests and Quarrels that concern the Honour and Reputation of our Subjects, diligently and exactly to see to the Execution of our present Edict, without re-

mitting any Thing in it, or permitting that by Favour, Connivence, or any other Way, it be in any manner contraven'd. And that our said Cousins, the Marshals of *France*, may have the more Means and Power, to hinder and repress that unbridled Licentiousness of Duels and Rencounters, considering besides that Diligence is of great Importance for the Punishment of such Crimes, and that the Provosts of our said Cousins the Marshals, the Under-Bailiffs, Under-Stewards, and Lieutenants-Criminal of the *Short Robe*, are most commonly on Horse-back for our Service, that they may be the readier and more proper for Proceeding against the Guilty of Duels and Rencounters, We have of new assign'd the Execution of the present Edict, as well within as without the Precincts of Towns, to the Officers of the Constabulary and Marshalsea of *France*, Provosts General of the said Constabulary of the Isle of *France* and the Mints, and all other Provosts-General, provincial and particular, Under-Bailiffs, and Under-Stewards, and Lieutenants-Criminal of the *Short Robe*, in Concurrence with our ordinary Judges, and with *proviso* of an Appeal to our Courts of Parliament, to whose Jurisdiction it ought to belong, notwithstanding all Declarations and Edicts prohibiting the said Provosts to take Cognizance of Duels and Rencounters, to the contrary.

XX.

The Judges and other Officers, who shall suppress and change the Informations, shall be turn'd out of their Places, and punish'd as Forgers.

And forasmuch as it frequently enough happens, That the said Provosts, Under-Bailiffs, Under-Stewards and Lieutenants-Criminal of the *Short Robe*, are negligent in executing the Orders of our said Cousins, the Marshals of *France*, We Will and Command, That if the said Officers fail to obey the first Command of our said Cousins the Marshals, or of one of them, or of the other Judges of the Point of Honour, in Summoning those who quarrel to appear at the Day appointed, and in seizing and arresting them in Case of Refusal and Disobedience; and, finally, in executing punctually, and all Affairs laid aside, what shall be enjoyn'd and commanded them by our said Cousins, the Marshals of *France*, and Judges of the Point of Honour, they be by our said Cousins punish'd and chastiz'd for their Negligences, by Suspension from their Places, and Deprivation of their Salaries, which may be really attach'd and seiz'd, upon the bare Order of our said Cousins, the Marshals of *France*, or of one of them, signified to the Treasurer in Ordinary of our Wars, who shall be in Duty, personally or at his Dwelling-House. Farthermore, We command the said Provosts, Under-Stewards, their Lieutenants and Officers, in their several Jurisdictions, upon the same Penalties of Suspension and Deprivation of Salary, that upon the Report of a Combat fought, they forthwith go to the Places to arrest the Guilty, and make them Prisoners in the Royal Prisons next to the Place where the Fact is committed; ordaining, That for every Seizure they be paid the Sum of Fifteen Hundred Livres, to be rais'd
with

with the other Charges of Suit upon the readiest Goods of the Guilty, and preferably to the Confiscations and Fines which we have before imposed.

XXII.

And seeing the Guilty, to avoid falling into the Hands of Justice, commonly fly to the Houses of the Great Men of our Kingdom, We most expressly and strictly forbid all Persons, of what Quality and Condition soever they be, to receive within their Houses any who have contraven'd this our present Edict. And in Case any be found who give them Sanctuary, and refuse to deliver them up unto the Hands of Justice, so soon as they shall be requir'd to it, We Will that the Informations thereof, duly taken and drawn up by the said Provoests of the Marshals and other Judges, be forthwith and instantly sent to the Secretaries of State, according to their several Offices, as also the Attorneys-General of our Courts of Parliament and to our said Cousins the Marshals, to the end that having consulted with them, we may command a rigorous Prosecution of those who protect so criminal Disorders.

XXIII.

But if notwithstanding the Care and Diligence prescrib'd by the preceding Articles, the Credit and Authority of the Parties interested in these Crimes divert the Proofs of them by Threats or Artifice, We Will, that upon the bare Requisition made by our Attorneys-General or their Substitutes, Monitories be decreed by the Officials of the Bishops of the Places, which shall be publish'd and thunder'd, according to
canonical

canonical Form, against those who refuse to come and declare what they know concerning Duels and Rencounters that have happen'd. We farther command, that for the future our Attorneys-General in our Courts of Parliament, and their Substitutes, upon Notice given them of Combats that have been fought, shall make their Requisitions against those who by Notoriety shall be judg'd guilty of them; and that according thereunto, our said Courts, without other Proofs, order, That within the Time that they shall think fit, they be oblig'd to render themselves Prisoners for justifying themselves, and answering upon the Requisitions of our said Attorneys-General: And if within the said Time they fail to obey the Orders that are intimated to them at their Dwelling-Houses, We will have them proceeded against upon Default and Contumacy, be declar'd Convicted of the Crimes objected to them; and, as such, that they be condemn'd in the Penalties mention'd by our Edicts, and their Goods acquir'd and confiscated to us, and put into our Hands, without waiting until the five Years of Defaults and Contumacies be expir'd; that all their Houses be raz'd, and their Woods of high Growth cut off to a certain Heighth, according to the Orders we shall give, and themselves declar'd infamous, and degrad'd from Nobility, being for the future incapable of any Place or Office. We forbid all our Courts of Parliament, and our other Judges, to admit them to their Justification after the Sentences of Condemnation, ever during the five Years of Contumacy, till first they have obtain'd our Letters, allowing them Permission
to

to appear, and have paid the Fines in which they have been condemn'd; and that notwithstanding the eighteenth Article of the seventh Title of our Criminal Ordinance, which we have dispens'd and do dispense with in that respect, without being drawn into Consequence.

And even when the Suspect'd have been arrested, and put in Prison, or that they have deliver'd themselves into Prison, We Will, that in Case our Attorneys-General find it difficult to make out the Proofs of the said Combats, our Courts give them the Delays which they shall require, referring it to the Honour and Conscience of our said Attorneys-General not to make Use of them, but for the Good of Justice.

XXV.

During the Time that the Parties accus'd or suspected of the said Crimes do not render themselves Prisoners, We Will, that the Jurisdiction of their Lands be executed in our Name; and during the said Time, We will provide to the Offices and Benefices of which the Disposition belongs to the said Parties accus'd or suspected.

XXVI.

And to prevent that during the Time of the Tryals upon Defaults and Contumacies, the Parties suspected may not make Use of the Means which they usually practise for taking off the Proofs of their Crimes, by terrifying the Witnesses, or obliging them to retract when they come to swear, It is our Will and Pleasure, that notwithstanding the third Article of
of

of the fifteenth Title of our Ordinance of the Month of *August*, 1670, with which we have dispensed and do dispense upon this Account of the Crime of Duels only, the Officers of our Courts, and the Lieutenants-Criminal of Bailiwicks where there is a Presidial Seat, may proceed to the Examination of Witnesses within the twenty and four Hours, and as soon as may be, after they have been heard in the Informations; and that before any Judgment that ordains it, hath past, though the Examinations must not stand in stead of Confrontation, till it hath been so ordain'd by the Judgment of Default and Contumacy.

XXVII.

We declare those that are condemn'd upon Contumacy, incapable and unworthy of all Successions that may fall to them after their Condemnation, though they be within the five Years, and that they were afterwards restor'd notwithstanding their Contumacy. If the Successions fall before the Restauration, the Lordship and Jurisdiction of the Lands shall be executed in our Name, and the Fruits assign'd to the Hospitals, without Hopes of Restitution, to be counted from the Day of the Condemnation upon Contumacy.

XXVIII.

We Will and Command in like manner, that in the Places remote from Towns where our Courts of Parliament sit, that when after all the aforementioned Searches and Perquisitions, the guilty of Duels and Rencounters cannot be found, at the Desire of the Substitutes of our

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Attorneys-

Attorneys-General, upon the bare Notoriety of Fact, Seizure be decreed against the Absent; and for Fault of being able to apprehend them by virtue of that Decree, all their Goods be seiz'd, and that they be cited to appear within three short Terms consecutively; and that thereupon the Defaults shall be put into the Hands of our Attorneys-General, or their Substitutes, that the Profit of them may be adjudg'd without other Form or Figure of Process, within eight Days after the Crime committed, and without any Obligation upon our said Attorneys-General, or their Substitutes, to inform and make Proof of the Notoriety.

XXIX.

When the Accusation is for the Crime of Duelling, no Regulation of the Judges can be made, notwithstanding all Pretext of Prevention, Assassination, or otherwise; and the Process cannot be pursued, but before the Judges of the Crime of Duelling.

XXX.

And to prevent the Surprizes of those, who, to obtain Pardons, may disguise to us the Truth of Combats that have happen'd, and alledge false Matters of Fact, to make it be believ'd that the said Combats happen'd unexpectedly, and in Consequence of a Quarrel arising on the Spot: We ordain, That no Man can carry through the Seals the Grant of any Pardon in Cases where there is Suspicion of a premeditated Duel or Rencontre, unless he be actually a Prisoner in our Retinue, or at least in the chief Prison of the Parliament, in the Jurisdiction

jurisdiction whereof the Combat hath been fought, and unless it hath been verify'd that he hath in no manner contraven'd this our present Edict; so that having thereupon taken the Advice of our Cousins the Marshals of *France*, we may grant him a Remission with Knowledge of the Cause.

XXXI.

And forasmuch as in pursuance of our Orders, our Cousins, the Marshals of *France*, are assembled, to review and examine of new the Regulation made by them concerning the several Satisfactions and Reparations of Honour, to which by Orders from us they have added more severe Punishments against the Aggressors, It is our Will and Pleasure, that the said new Regulation, dated the 22d of this present Month, together with that of the 22d of *August*, 1653, hereto annex'd under the Counter-Seal of our Chancellery, be inviolably follow'd and observ'd for the future by all those that shall be employ'd in adjusting Differences which concern the Point of Honour and Reputation of Gentlemen.

XXXII.

And in respect that sometimes the Administrators of Hospitals have neglected to recover the said Fines and Confiscations, We will, That the Recovery of Fines and Confiscations, adjudg'd to the said Hospitals, and other Persons, who have been negligent for the Space of a Year, to be counted from the Day of the Sentences of Condemnation, be made by the Receiver-General of our Revenues, to whom the Half of the said Confiscations and Fines shall

belong, for the Charges of the Recovery; reserving to our self to dispose of the other Half in Favour of what Hospitals we please, besides that to which they have been adjudged.

XXXIII.

It is moreover our Will and Pleasure, That when Gentlemen have not obey'd the Orders of the Marshals of *France*, and that they have incurred the Fines and Confiscations appointed by this present Edict, and the Regulation of the Marshals of *France*, Advice of it shall forthwith be given by the said Marshals of *France* to our Attorneys-General in our Courts of Parliament, or to their Substitutes, whom we enjoyn immediately to proceed to the Seifure of Goods, until the said Gentlemen do obey: And in Case they obey not within three Months, the Fruits shall be purely apply'd to Hospitals, until they have obeyed, the Charges of Provosts, of Procedure, Guards, and others, being first defalcated; and for that effect, We Will that the Directors and Administrators of the said Hospitals be put in Possession and actual Enjoyment of the said Goods. We enjoyn our said Attorneys-General, and their Substitutes, to joyn with the said Directors and Administrators, for the speedy and real uplifting of the said Fines. We especially charge the Judges, to have no respect to Contracts, Wills, and Testaments, nor other Acts made within six Months before the Crimes committed.

XXXIV.

XXXIV.

When any one shall happen to be kill'd in Combats, we permit the Relations of the Deceas'd to become Party within three Months for longest Delay, against him who hath kill'd. And in Case he be convicted of the Crime, condemn'd, and executed, We make over the Confiscation of the Deceas'd to the Profit of him that hath pursued; who shall not be oblig'd to obtain another Grant of the Gift besides this present Edict. As to the Relations to whose Profit we have made over the Confiscation, We Will that the nearest of Kin be preferr'd before the more remote, provided they have made themselves Parties within the three Months, upon condition of reimbursing the Charges that have been laid out.

XXXV.

The Crime of Duelling cannot be extinguish'd neither by Death, nor by any Prescription of twenty or thirty Years, nor by any other, unless Execution, Condemnation, or Complaint have been made; and it may be prosecuted after any Lapse of Time whatsoever against the Party or against his Memory: Nay, those who shall be found guilty of Duelling since our Edict of 1651, register'd in our Court of Parliament of *Paris*, in the Month of *September* the same Year, may be called to an Account for the other Crimes committed by them before or since, notwithstanding the said Prescription of twenty or thirty Years, provided they be at the same Time try'd for the Crime of Duelling,
and

and by the same Judges, and that they be convicted of the same.

XXXVI.

All the Penalties contain'd in the present Edict for Punishment of the Contraveners of our Will and Pleasure, would be useless and of no Effect, if by the Motives of an inflexible Justice and Stedfastness; we maintain'd not the Laws which we have establish'd. For that end, We swear and promise in the Faith and Word of a King, not to exempt for the future any Person, for any Cause or Consideration whatsoever, from the Rigour of the present Edict; that no Remission, Pardon, and Obolition shall be granted by us to those who shall be guilty of the said Crimes of Duels and Rencounters. We most strictly charge all Princes and Lords about us, not to make any Intercessions for those that are guilty of the said Crimes, upon Pain of incurring our Indignation. Protesting again, that neither in Favours of any Marriage of a Prince or Princess of our Blood, nor for the Birth of Princes or Children of *France*, which may happen during our Reign, nor for any Consideration general and particular that may be, we will not knowingly suffer any Grants to be expedited contrary to our present Will, the Execution whereof we have expressly and solemnly sworn upon the Day of our Coronation, to the end so Christian, just, and necessary a Law may be render'd more authentick and inviolable. We charge and command our trusty and beloved Counsellors, those that hold our Court of Parliament, that they cause these Presents to
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be read, publish'd, and register'd, and the Contents thereof inviolably kept and observ'd, without contravening, or permitting them to be contraven'd; for such is our Pleasure. And that it may be a Thing for ever firm and stable, We have caus'd our Seal to be put to these Presents. Given at *St. German in Laye*, in the Month of *August*, One thousand six hundred seventy nine, and thirty seventh Year of our Reign.

Sign'd,

LOUIS.

And underneath,

By the KING.

COLBERT.

Which Edict was register'd in the Parliament of Paris, the 1st of September following.



*A Regulation made by the Marshals of
France concerning the several Sa-
tisfactions and Reparations of Ho-
nour, Aug. 22, 1653.*

AS to what we are commanded by exprefs Orders from the King, and particularly by his Majesty's Declaration againſt Duels, read, publiſh'd, and register'd in the Parliamēt of Paris the 29th of July laſt, *That we ſhould inſtantly meet to frame a Regulation, the moſt exact and diſtinct that may be, concerning the various Satisfactions and Reparations of Honour, which we ſhall judge ought to be appointed according to the different Degrees of Offences: And in ſuch a Manner, that the Punishment of the Aggreſſor, and the Satisfaction of the Party offended, be ſo great and ſo proportionable to the Injury receiv'd, that no new Complaint nor Quarrel may riſe, upon that Account: The ſaid Regulation to be inviolably follow'd and obſerv'd for the future by all thoſe who ſhall be employ'd in adjusting of Differences concerning the Point of Honour and Reputation of Gentlemen.* We having ſeen and examin'd the Propoſitions of ſeveral Gentlemen of Quality of this Kingdom, who have had divers Conferences together upon this Subject, in Purſuance of the Orders they had from us of the 1ſt of July 1651, and who have preſented in our Aſſembly the ſaid Propoſitions, drawn up in Writing, and ſign'd with their Hands: After mature Deliberation, we have
concluded

concluded and agreed upon the following Articles:

I.

In the first Place, That in all Occasions and Subjects that may cause Quarrels and Resentments, no Gentleman ought to think it inconsistent with Honour to do any Thing that may give a clear and sincere Explanation of the Truth.

II.

That amongst Gentlemen, many having already solemnly protested, and in Writing, that they will refuse all Challenges, and never fight a Duel for any Cause whatsoever, these are so much the more oblig'd to give a clear Understanding, that without it, they would formerly contravene their own Writing, and, by Consequence, the more deserve Reproof and Chastisement in the adjusting of Quarrels that may arise for want of a clear Understanding.

III.

But if he that pretends himself to be offended, has so little Reason as not to be satisfy'd with the Explanation that hath been fairly and sincerely given him, and that he will oblige him by whom he thinks himself affronted, to fight him: He who hath renounc'd Duelling, may answer him to this or the like Purpose: *That he wonders very much, that knowing the last Edicts of the King, and particularly the Declaration of several Gentlemen, wherein he hath publickly engag'd himself not to fight, he will not rest satisfy'd with the clear Understanding that*

he gives him: And that he considers not, that he neither can, nor ought to give or receive any Place for Fighting; nay, nor to tell him where he may rencounter him, but that he will change nothing in his ordinary Course of Life. And generally all other Gentlemen may answer: That if they be set upon, they will defend themselves; but that they think not themselves oblig'd in Honour to fight in cold Blood, and so formally to contravene his Majesty's Edicts, the Laws of Religion, and their own Conscience.

IV.

When there happens any Quarrel amongst Gentlemen, of whom some have promis'd under Hand-writing not to fight, and the others, not; these latter shall always be reputed Aggressors, if the contrary appear not by evident Proof.

V.

And because the Ways of Fact might easily be prevented, if we, the Governours, or Lieutenants-General of Provinces, were carefully inform'd of all the Causes and Beginnings of Quarrels, We have consulted and agreed, conform to the Power given us by his Majesty's last Edict, register'd in Parliament, the King sitting there, the 7th of September 1651, forthwith to name and depute in every Bailiwick and Stewardry of this Kingdom, one or more Gentlemen, of Quality, Age, and requisite Sufficiency, for receiving the Intelligences of the Differences of Gentlemen, and for sending them to us, or to the Governours and Lieutenants-General of Provinces, when they are resident there; and for doing all Things in general that are prescrib'd by the second Article of the said Edict.

And in Conformity to the same Edict, we charge all our Provosts, Under-Bailiffs, Under-Stewards, Lieutenants-Criminal of the *Short-Robe*, and other Officers of the *Marshalseys*, readily and faithfully to obey the said Gentlemen deputed for the Execution of their Orders.

VI.

And to the end we may be the more carefully inform'd of the Differences of Gentlemen, we declare, according to the 3d Article of the same Edict, That all, who shall meet, though accidentally, in the Places where Offences are given, either by Reports, injurious Discourses, or Words, or by giving the Lye, Threats, Blows, Cudgellings, or other Outrages against Honour, of what Nature soever they be, shall, for the future, be oblig'd to give us Notice of the same, or the Governours, or Lieutenants-General of Provinces, or the Gentlemen deputed, upon Pain of being reputed Accomplices of the said Offences, and of being prosecuted as having tacitly contributed thereunto; and that they who have Knowledge of Law-Suits ready to be commenc'd amongst Gentlemen for some important Concern, shall be also oblig'd, according to the same 3d Article of the said Edict, to give us Notice of the same, or the Governours and Lieutenants-General of Provinces, or the Gentlemen deputed in the Bailiwicks, to the end Means may be provided to hinder the Parties from leaving the ordinary Course of Justice, and coming to the Ways of Fact for doing themselves Right.

VII.

And because that in all Offences that one may receive, it is necessary to establish some general Rules for the Satisfaction, which may sufficiently repair the Honour when once they are receiv'd and practis'd; seeing it is but too true, that Opinion alone hath establish'd most Part of the Maxims of the Point of Honour; and considering, that in Offences, it is above all Things to be minded, if they have been given without Cause, and if they have not been answer'd with some Repar-tees or more heinous Revenges: We declare, that in those which have been so given without Cause, and have not been answer'd, if they consist in reproachful Words, as of *Sot, Coward, Traitor*, or the like, it may be order'd for a Punishment, that the Offender lie a Month in Prison, and the Time not to be lessen'd, by the Credit or Intercession of any Person whatsoever, no, not by the Indulgence of the Party offended; and that after he comes out of Prison, he shall declare to the Person offended, *That impertinently, and out of Purpose, he hath offended him by outrageous Words, which he acknowledges to be false, and begs his Pardon for them.*

VIII.

For the Lye, or Blows with the Hand or Cane, two Months Imprisonment shall be appointed, which, as before, cannot be shorten'd; and after that the Offender is come out of Prison, he shall ask the Party offended Pardon, with Words more satisfactory than the former

former, and which shall be particularly specify'd by the Judges of the Point of Honour.

IX.

For actual Offences, by Cuffs, or the like, it shall be appointed for Punishment, That the Offender lie in Prison for six Months, which Time, as before, is not to be diminish'd, unless the Offender desire; that the Half of that Imprisonment alone be commuted into a Fine, which cannot be less than fifteen hundred Livres, applicable to the next Hospital to the Place where the Party offended lives, and which shall be paid before the said Offender come out of Prison. Nay, and after he comes out, he shall submit himself over and above, to receive from the Hand of the Party offended, Blows of the same Nature of those which he hath given, and shall declare, by Word and Writing, *That he hath brutishly stricken him, and pray him to pardon and forget that Offence.*

X.

For Canings, or other Outrages of the like Nature, the Offender shall lie in Prison for a whole Year; and that Time cannot be moderated, unless for six Months, upon Payment of three thousand Livres as a Fine, payable and applicable in the Manner above-mention'd. And after he is come out of Prison, he shall on his Knees beg Pardon of the Party offended, in that Posture submit himself to receive the like Blows, humbly thank him, if he give him them not, as he might, and besides declare by Word and Writing, *That he hath brutishly offended him, beseech him to forget it, and that if*
he

he were in his Place, he would be content with the same Satisfaction. And in all Offences of Blows with the Hand, Cane, or such like, besides the aforesaid Punishments and Satisfactions, the Party offended may be oblig'd to chastise the Offender with the same Blows that he hath receiv'd, tho' he should even be so generous as not to be willing to give them; and that only in case that the Offence be by the Circumstances judg'd so atrocious, that it requires the Party offended to be reduc'd to that Necessity.

XI.

And when Accommodations are made in all the aforesaid Cases, the Judges of the Point of Honour may appoint what Number of the Friends of the Party offend they please, to see the Satisfactions enjoyn'd, perform'd and render'd more Publick.

XII.

For Offences and Outrages done to the Honour of a Gentleman, upon Occasion of some civil Interest, or of some Law-Suit already commenc'd before the ordinary Judges, in these the Satisfactions cannot be too rigorous. And they who adjust such Differences, may, besides the Punishments above specify'd in every Kind of Offence, order also Banishment for as long a Time as they shall judge convenient, from the Places where the Offender has his ordinary Residence. And when, by notoriety of Fact, or other Proofs, it be made appear, That a Gentleman hath taken Possession of any Thing by the Ways of Fact, or by Surprise, no Accommodation can be made,

no, not concerning the Point of Honour, till first the Thing disputed be put into the same Condition it was before the Violence or Surprise.

XIII.

And because besides the aforementioned Causes of Differences, Words that may be pretended to have been given and broken, produce a great many others: We declare, That a Gentleman that hath got a Promise of another, concerning any Business whatsoever, can build nothing upon it for the future, nor complain of the Breach of it, unless it hath been given him in Writing, or in the Presence of one or more Gentlemen. So that all Gentlemen shall hereafter be oblig'd to use that Caution, not only for obeying our Regulations, but also for the Interest that every one hath of preserving the Friendship of him that hath past his Word to him, and of not being declar'd an Aggressor, as he shall be for the Time to come in all Quarrels that shall arise from a Promise given without Writing or Witnesses, and which he shall pretend not to have been kept.

XIV.

If a Promise made in Writing, or before other Gentlemen, be violated, the Party concern'd shall be oblig'd to demand Justice from us, from the Governors, or Lieutenants-Generals of Provinces, or from the Gentlemen deputed; for Fault whereof he shall be reputed Aggressor in all the Quarrels that may happen upon Breach of that Promise: As also all the Witnesses of the said Breach of Promise, who have not given Notice of it, shall be responsible

sponsible for all the Disorders that may follow thereupon. And as to what concerns the said Breaches of Promise, Reparations and Satisfaction shall be appointed according to the Importance of the Affair.

XV.

If by the Relation of those that were present, or other Proofs, it appear, that an Injury hath been done upon a premeditated Design, out of Frolick, and upon Advantage, we declare, that according to the Laws of Honour, the Party offended may prosecute the Aggressor and his Complices before the ordinary Judges, as if he had been assassinated. And that Proceeding ought not to seem strange, since he that offends another upon Advantage, by that Action renders himself unworthy of being used as a Gentleman: If, nevertheless, the Person offended had not rather refer himself to our Judgment, or to the Judgment of the other Judges of the Point of Honour for Satisfaction, and for the Chastisement of the Aggressor, which ought to be far greater than all the preceding, which only concern Offences given in sudden and unexpected Quarrels.

XVI.

In case a Gentleman refuse, or without lawful Cause delay, to obey our Orders, or the Orders of the other Judges of the Point of Honour; as to appear before us, or them, when he hath been summon'd to it, either personally or at his Dwelling-House; and also when he hath not submitted to the Punishments inflicted upon him; he shall be, after a Time prescrib'd,

prescrib'd, forthwith constrain'd to it, by quartering Soldiers in his House, or Imprisonment, conform to the Eighth Article of the said Edict. Which shall be carefully put in Execution by our Provosts, Under-Bailiffs, Under-Stewards, Lieutenants Criminal of the *Short Robe*, and other Lieutenants, Exempts, and Officers of the *Marshalseas*, upon Pain of Suspension from their Charges, and Loss of their Salaries; and the said Execution shall be done at the Cost and Charges of the disobedient and refractory Person.

XVII.

And according to the same Eighth Article of the said Edict, if our Provosts, Under-Bailiffs Under Stewards, Lieutenants-Criminal of the *Short Robe*, and other Officers of the *Marshalseas*, cannot put in Execution the said Imprisonments, they shall seize and estreat all the Revenues of the said Disobedient, give Advice of the said Seizures to the Attorneys-General, or their Substitutes, according to the last Declaration against Duelling, register'd in the Parliament of *Paris*, the 29th of *July* last; the said Revenues to be apply'd, and remain acquir'd, during all the Time of Disobedience, to the Hospital of the Town where the Parliament is; under the Jurisdiction whereof the Goods of the Disobedient are joyntly with the Hospital of the Royal Seat, on which they also depend; to the end that mutually assisting one another in the Prosecution, the one may furnish Information and Proof, and the other Justice and Authority. And in Case there be preceding Debts, which hinder the uplifting of the Revenue confiscated to the Profit of the

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said Hospitals, the Sum to which the said Revenue may amount, shall become a real Debt upon all the Goods moveable and immoveable of the Disobedient, to be pay'd and discharg'd in course, according to the same Eighth Article of the said Edict.

XVIII.

If they, who have been by us and the other Judges of the Point of Honour, put under Guard, make their Escape, the Accommodation shall not be made till first they have kept Prison during the Time that shall be appointed.

XIX.

And generally in all the other Differences of Offences, that have not been above specify'd, and which are of infinite Variety; as if they have been given without Cause, and if they have been answer'd with more heinous Repartees; or if by outrageous Words the Offender has drawn upon himself the Lye, or a Cuff; and, in a Word, in all other Rencounters to Injuries insensibly, aggravated, We refer it to the Judges of the Point of Honour, to appoint such Punishments and Satisfactions as the Cases and Circumstances shall require; exhorting them to have always a particular Eye upon him that hath been the Aggressor, and the first Cause of the Offence, and to send back before us all those who would represent to us their Reasons, conform to the Second Article of his Majesty's last Edict, register'd, as hath been said, in Parliament, the 7th of September 1651.

Made at Paris the two and twentieth Day of August, One thousand six hundred and fifty one.

Sign'd, D'Estree, De Grammont, &c.
The

The new Regulation made by the Marshals of France, which confirms and enlarges the former, of the 22d of August, 1679.

THE King having commanded us to meet, and examine of new the Regulation which we made by exprefs Orders of his Majesty, dated the 22d of *August*, 1653, concerning the *Satisfactions*, and *Reparations of Honour* among *Gentlemen*; it being his Majesty's Intention to augment the *Punishments* and *Satisfactions*, in such sort, that they be equal and proportionable to the *Injuries*. In Obedience to his Majesty's Orders, under his GoodWill and Pleasure, We have thought,

That the First, Second, Third, Fourth, and Fifth Articles of the said Regulation ought to be put in Execution.

As to the Sixth: It is our Opinion, That those who have been present at Offences, and have not inform'd of them, ought to be punish'd by Six Months Imprisonment.

As to the Seventh Article: Instead of One Month's Imprisonment, for him that hath offended, we are of Opinion, That he lie Two Months in Prison, and that the rest of the Article be put in Execution.

As to the Eighth Article: It is our Opinion, That the Offender ought to suffer Four Months Imprisonment instead of Two, and after he hath come out of Prison ask pardon of the Party offended.

As to the Ninth Article: We think that for actual Offences of Cuffs or Blows with the Hand, in the Heat of Quarrels, if a Lye went

before the Box or Blow, he that hath stricken ought to be committed to Prison for a Year; and if no Lye went before, he ought to lie in Prison for the Space of Two Years, and the Time not to be shorten'd for any Cause whatsoever, tho' the Party offended should even demand it; and that after the Offender is come out of Prison, he shall still submit to receive from the Hand of the Party offended the like Blows as he hath given, and shall declare by Word and Writing, That he hath stricken him brutishly, and beseech him to pardon him, and to forget that Offence.

As to the Tenth Article: In regard of Canings, or other the like Outrages given in the Heat of Quarrels, in Case they have been given after a Box or Blow with the Hand, he that hath stricken with a Cudgel, or otherwise, shall keep Prison for the Space of Two Years; and in Case he hath been beaten before, he shall be Prisoner for Four Years; and when he hath come out, he shall ask Pardon of the Party offended.

As to the Eleventh, Twelfth, Thirteenth, and Fourteenth Articles: It's our Opinion, That they ought to be put in Execution, and nothing alter'd in them.

As to the Fifteenth Article: We judge, That if, By the Relation of Persons present, Notoriety, or any other Proofs, it appear, That an Injury by Blows of a Cane, Cudgel, or any other of the like Nature, hath been done by premeditated Design, Surprise, or upon Advantage, he that hath stricken singly, and before ones Face, ought to keep Prison for the Space of Fifteen Years; and that he who striketh be-
hind

hind one's Back, tho' alone, and upon Advantage, whether by taking Company along with him, or otherwise, ought to keep Prison during the Space of Twenty Years compleat; and that in a Town, Citadel, or Fortrefs, distant at least Thirty Leagues from the Place where the Party offended has his ordinary Residence: And that Prohibition be made by his Majesty to the Offender, not to make his Escape out of Prison, upon Pain of Death; and to the Offended, not to come within Ten Leagues of the Place of the said Prison, upon Pain of Disobedience.

As to the Sixteenth, Seventeenth, Eighteenth, and Nineteenth Articles, we don't think that any Thing ought to be alter'd.

Made at St. German in Laye, the two and Twentieth Day of August, One Thousand Six Hundred and Seventy Nine.

Sign'd, Villeroy, V'rancey, &c.





A LETTER to a Member of Parliament, to prevent shedding of much Blood by DUELS, by allowing every Man to fight.



Have often heard it said, that a Parliament of *England* could do everything but make a Man a Woman.

But I am apt to think, no Law they can make will prevent Duels, unless they authorize them, unless they make them lawful; provided the Duellists first apply to the Magistrate.

I know our most learned and pious Clergy will, at first Sight, find Fault with my Proposal.

But I intreat them to read the Whole, before they entertain any Prejudice against what I offer, in order to put an End to Enmities, Quarrels, and Bloodshed, by a Way yet untry'd amongst us.

I say, I beg our Clergy will read over the Whole, before they declare their Opinion.

And

And that they would also believe, that, tho' my Expedient should be wrong, yet I am very far from being an Enemy to their Order, or a Despiser of Christianity.

I am none of those *Free-Thinkers*, (though I venture to think pretty freely, as well in Religious as Civil Affairs) who believe any Country can be better govern'd, by bringing into Contempt their National Priesthood.

I am so far from thinking so, that I cannot recollect any one civiliz'd Government, even amongst Heathens, where there were not a Body of Men set apart for the Worship of their God, or Gods, which Body of Men were treated with great and just Regard.

And, farther, I believe no Body of Men better fitted to inculcate or enforce the relative Duties of social Life, than the Clergy of that Protestant Episcopal Church, which is the establish'd Religion of *England*, and which I think the best of all Churches and Religions.

Having premised this, I beg Leave to go on with what is not a sudden Thought, but hath been my deliberate Opinion these many Years.

I believe, the making it Death, or the contriving what other Punishment you please, will never hinder a gallant injur'd Man from requiring Reparation for an Affront, for such an Affront as will stamp him a Coward.

But I conceive it would be the most effectual Way to prevent shedding much Blood, to have the Civil Magistrate interpose, and settle (where a Man cannot bear the Affront, and the Injurer will not make Reparation) the Method of fighting upon the Square.

School-

School-boys, because their natural Justice is not deprav'd, and because they don't love Tyranny, *under any Appearance whatsoever*, abhor a Boy who injuriously treats, or (according to their Language, meddles with one who is not his Match; and when any courageous Boy resents the ill Usage, and puts it to the Arbitration of his School-fellows, the other Boys make as equal a Match as they can.

And so, in my humble Opinion, the Magistrates should do in the Quarrels that happen between grown Men.

The Boys, when a bigger falls out with a less Boy, will determine that the bigger Boy shall fight the less, the bigger tying one Hand behind him; or, perhaps, that he shall fight with two little Boys, *at the same Time*, or with two, one after another. And when two Boys are of equal Size, they will, if one is more skilful in Wrestling, order them to fight over a Stick. All these Methods of adjusting their fighting out their Quarrels, I very well remember were, in my Time, establish'd among School-boys; but being an old Man, I may have forgot several other equitable Rules which they had for fighting one another. However, upon the whole, I remember they were very careful that Boys should fight upon the Square; and that whoever would not do so, was branded as a Coward, and not the Boy who was insulted by his Over-match.

Something like their impartial Methods, I again say, should be establish'd by Law, for the Fighting of grown Men; and chosen Magistrates should regulate and appoint those Methods.

In my humble Opinion, there should be chosen, every three Years, in every County, just as our Knights of the Shire are, by all the Freeholders

Gentlemen of very good Fortunes, who pay at least *¶ Ann.*

to the Land-Tax of the said County, whereof

should be a *Quorum* ; who should, upon any Quarrel between Gentlemen, meet, and endeavour to make it up. But if they cannot make up the Quarrel within

Days, should adjust the Weapons wherewith they should fight, having Regard to the Age, Strength, Skill, &c. of the Parties.

These Arbitrators, as I think I may call them, should, upon Notice given to the High Sheriff of the County by the Person who requires Satisfaction, within

Days after the said Notice given, under the Penalty of meet together, the High Sheriff, in the mean while, giving Notice to both the Gentlemen who had had the Quarrel.

And as to the Place of fighting ; there should be in every County a long Building erected, the Breadth whereof should be twelve Foot clear within, and ten Foot high, besides the Roof. The Walls of it should be of Brick or Stone ; and it should have no other Light but what came from a large Cupola set up in the Middle of the Building ; which Cupola should be guarded and surrounded with Iron Spikes in the Roof for three or four Foot at least, that nobody might clamber up, to look in. At each End of the Building (and no where else) there should be a Door ; which Doors should be made close, and always kept in so good Repair, that

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nobody should, thro' any Crevise, or Cranny, see the Combatants; each of which should, upon firing a Gun, or some such Notice, be let in, one at one, and the other at the other Door; and there they should fight 'till one of them was kill'd; and nobody, whatever Noise was heard, should go in, 'till Minutes after the Entry of the Combatants.

This solemn Way of Fighting would prevent Men from insulting one another, and so preserve good Manners; and it would also keep Men (since their Fighting was to end in the Death of one of the Parties) from fighting upon slight Quarrels.

But to make this Law more effectual, and more certainly take Place, his Majesty, and every reigning Prince, should with-hold their Royal Mercy, and never pardon any Man, whatsoever his Rank may be, or however he may be ally'd, who fights a Duel, tho' he doth not kill, without first submitting in Days his Quarrel to the aforesaid Arbitrators; and all unauthoris'd Duels, should be punish'd with the Loss of the right Hand, in each Person who fights.

And farther, for preventing shedding Blood, and to reconcile those who have affronted one another, the Arbitrators should summon some very reputable Clergyman, or Clergymen, to assist them, and spiritually advise both Parties, the one to make, and the other to accept, a reasonable Reparation.

But if neither the Arbitrators, nor the Clergymen, can prevail with both Parties to be reconcil'd, then the Arbitrators (the Clergymen being first withdrawn) shall choose the Weapons,

pons, and appoint the Day when they shall fight, and thereby, as it were, put their Cause and Quarrel to the Decision of Providence.

But both the Parties, from the Time the Weapons are settled, and the Day appointed for their fighting, shall be confin'd from seeing any Person whatsoever, except their Wives, (if they are marry'd Men) and the Clergyman, or Clergymen, who assisted the Arbitrators; and they shall also be confin'd from all inflaming hot Liquors, and from all Sorts of Wines, except so much as shall be by the Arbitrators adjudg'd necessary for the Digestion of their Meals.

And when the Day appointed for their fighting comes, the Clergyman, or Clergymen, who assisted the Arbitrators, shall attend them both, from Eight in the Morning 'till Twelve; and in that Time he or they shall go between one and the other, and try whether they can then compose the Quarrel; and if that cannot be effected, he or they shall perform what other spiritual Offices the Combatants are willing to admit of; and it would not be improper to have some particular Devotions adapted to the Occasion.

But then, if the Clergyman, or Clergymen, can't make up the Quarrel, the Combatants shall, at that Hour, be carried in close Coaches, with Wooden Windows, to the Place set apart for fighting, they being both first search'd by the Arbitrators, to see that they have no other Weapon, or Weapons, but such as the Arbitrators have allow'd them; which allowed Weapon, or Weapons, shall be deliver'd to each Party as soon as he comes to the Building where he is to fight.

I might

I might here embellish my Letter, by shewing that Sir *Francis Bacon*, when Attorney-General, was almost forc'd to own, in a Charge against Duels, bound up with other Papers in his *Resuscitatio*, That where the Municipal Laws of a Country hath not taken Care to make a Man Reparation for an Affront, he is at Liberty to right himself: And methinks it should be so, because some Affronts are much more injurious than Robbery upon the Road, in which Case all Casuists, but Quakers, allow Men to fight and kill.

I could also mention a Christian Country, besides our own, where Tryals by Battle have been heretofore allowed.

But I will close with saying, That, in my humble Opinion, if the Legislature allow'd of Duels, under the foregoing Precautions, such a Law would prevent many foolish Duels, and consequently save much Christian Blood.

And also such a Law would go a great Way towards putting all Men upon the Square when they fought; and be as little contrary to the Christian Religion as War or capital Punishments. I am,

S I R,

Your obedient humble Servant,



N. N.

F I N I S.